



MEMORIALS

OF THE



STEWARTS

OF

FORTHMERGILL





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RUINS OF GARTH CASTLE, PERTHSHIRE
FROM THE NORTH EAST.

HISTORIC MEMORIALS
OF THE
STEWARTS OF FORTHERGILL
PERTHSHIRE

AND THEIR MALE DESCENDANTS

*With an Appendix containing Title-Deeds and various Documents of
Interest in the History of the Family*

EDITED BY
CHARLES POYNTZ STEWART

M.A. TRIN. COLL. CAMBRIDGE; F.S.A. SCOT.
ETC. ETC.

"AVITO VIRET HONORE"

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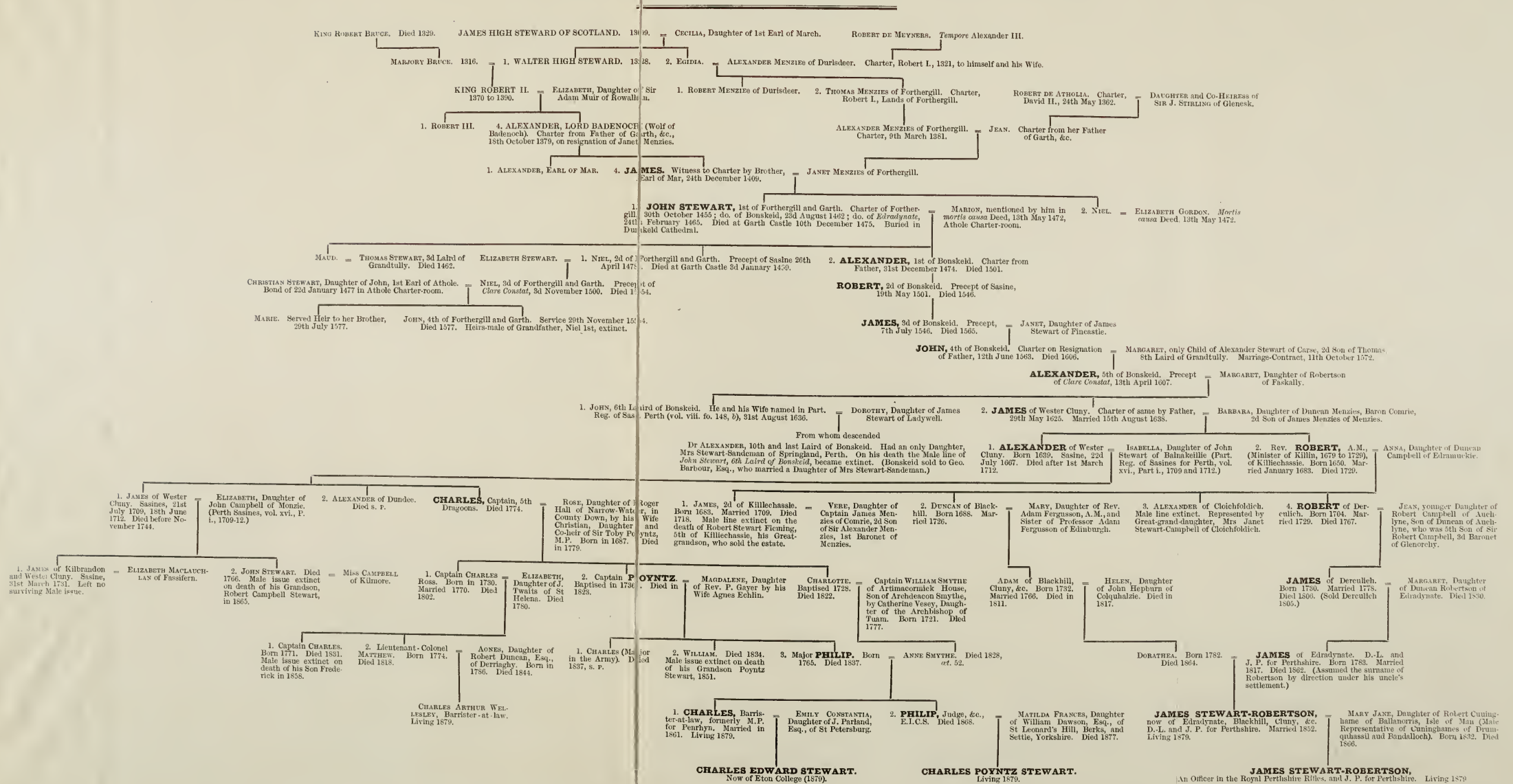
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"To elucidate local history, in the manner in which it ought to be elucidated, is, to rescue the worthy from oblivion; to delineate the changes of manners, and the progress of arts; to call back to the fancy the pomp and splendour of ages that are gone; to restore the ruined castle; to re-people the deserted mansion; and to bid, for a moment, the grave to render back its inhabitants to the fond eye of regret."—SIR EGERTON BRYDGES' *"Censura Literaria."*

GENEALOGICAL TABLE

OF DESCENDANTS OF THE STEWARTS OF FORTHERGILL IN THE MALE LINE.



CHARLES EDWARD STEWART.
Now of Eton College (1879).

CHARLES POYNTZ STEWART.
Living 1879.

JAMES STEWART-ROBERTSON,
An Officer in the Royal Perthshire Rifles, and J. P. for Perthshire. Living 1879.



PREFACE.

THE publication of the present work has been undertaken as a memorial of an ancient and once numerous race of Stewarts in Athole, now represented in the male line by a very few descendants.

Although my own immediate ancestor left Scotland to enter the army more than one hundred and fifty years ago, and his descendants, after serving their country by land and sea, settled in Ireland and south of the Tweed, they never forgot their ancestral home, or the race from which they sprung.

Recent investigations, the results of which are given in the following pages, have proved beyond question the exactness of the traditions handed down by them from father to son through each consecutive generation.

The ancestors of my friend and kinsman, Mr. Stewart-Robertson of Edradynate, springing from a common progenitor, have, however, been in an unbroken line possessors of landed property in their native district, amidst the very hills and glens where our forefathers lived, and fought, and died ;—indeed, Edradynate, Mr. Stewart-Robertson's principal property, was in the possession of John Stewart of Forthergill in 1465 ; and to the assistance he, from his family and local lore, was so well able to supply, I am deeply indebted for the completion of these Memorials ; while the generous aid afforded him by several families of note in his district (and for whose kindness and courtesy he has often expressed his great obligation) has materially assisted in the compilation of the proofs contained in this volume. Some of the documents thus obtained from private charter-rooms are invaluable ; and although genealogical memorials cannot be expected to be of much interest to any beyond the families to which they relate, yet in these pages there are a variety of incidents narrated, copies and facsimiles of old charters, and documents of a quaint character given, which may be found of more general interest.

Few can imagine the pleasure attached to a first visit to the home where our forefathers dwelt, every name and site of which one has heard of from childhood ; and to myself these “ Memorials ” will ever be a *souvenir* of the kindness and consideration I have experienced, and the many happy hours I have spent, under the hospitable roof of Edradynate.

Best thanks are also due to the Reverend W. MACLEOD, a gentleman whose intimate acquaintance with the literary treasures contained in the Register House, Edinburgh, and

in many private collections, as well as his experience and facility in deciphering ancient records, are well known to all interested in these studies.

The beautiful *facsimiles* and reproductions of original sketches are due to the talent of T. B. JOHNSTON, Esq., F.S.A. Scot., whose attainments, scientific, artistic, and antiquarian, are as well known as his tried gentleness and urbanity.

Some idea may be formed of the difficulties met with, when it is remembered that no one has ever yet attempted to *verify* the family history of this line; but the lineage handed down by tradition has been accepted without inquiry as correct,—which, with one or two errors, it is now *proved* to be, and this by evidence which will bear the strictest legal scrutiny.

Neither could assistance be obtained from other branches of the Forthergill Stewarts, most of whom are extinct in the male line, and none appear to have taken sufficient interest in the lives and actions of their ancestors to investigate the *proofs* of their family history.

Moreover, the defective state of the parish registers in Scotland renders them practically useless, and is a continual source of grief to the genealogist.

Mr. Turnbull's "Memoranda of the State of the Parochial Registers of Scotland" (Edinburgh, 1840), G. Seton's "History and Imperfect Condition of the Parochial Records in Scotland" (Edinburgh, 1854), give deplorable examples of this.

Some points connected with the earlier history contained in the following pages will probably be elucidated in a few years by the publication of records, which are almost annually brought to light from the mines of historic documents in the Register House, and other public collections, or still lying in piles, almost unknown, and in many instances without even catalogues, inventories, or abstracts, in numerous private charter-rooms. These points are the further history of James Stewart, first of Forthergill; of Marion, wife of John his son; the exact relationship of Elizabeth Gordon, wife of Niel (another son of James), to the Earls of Huntly; and of Elizabeth Stewart, wife of Niel I., to the Earls of Athole.

Meanwhile these pages are offered for the indulgent perusal of the present members of this lineage, as containing all the evidence at present obtainable on the subject, though with a perfect consciousness of many defects, notwithstanding the time, labour, and patience they have involved, but in the earnest hope that some future representative of the Stewarts of Forthergill may, with the superior advantages at his disposal, bring to thorough completeness that which is left undone in this volume; for there will certainly be then a far richer collection of newly divulged historic muniments than is known to the present generation.

C. P. S.

OXFORD AND CAMBRIDGE CLUB,
LONDON.





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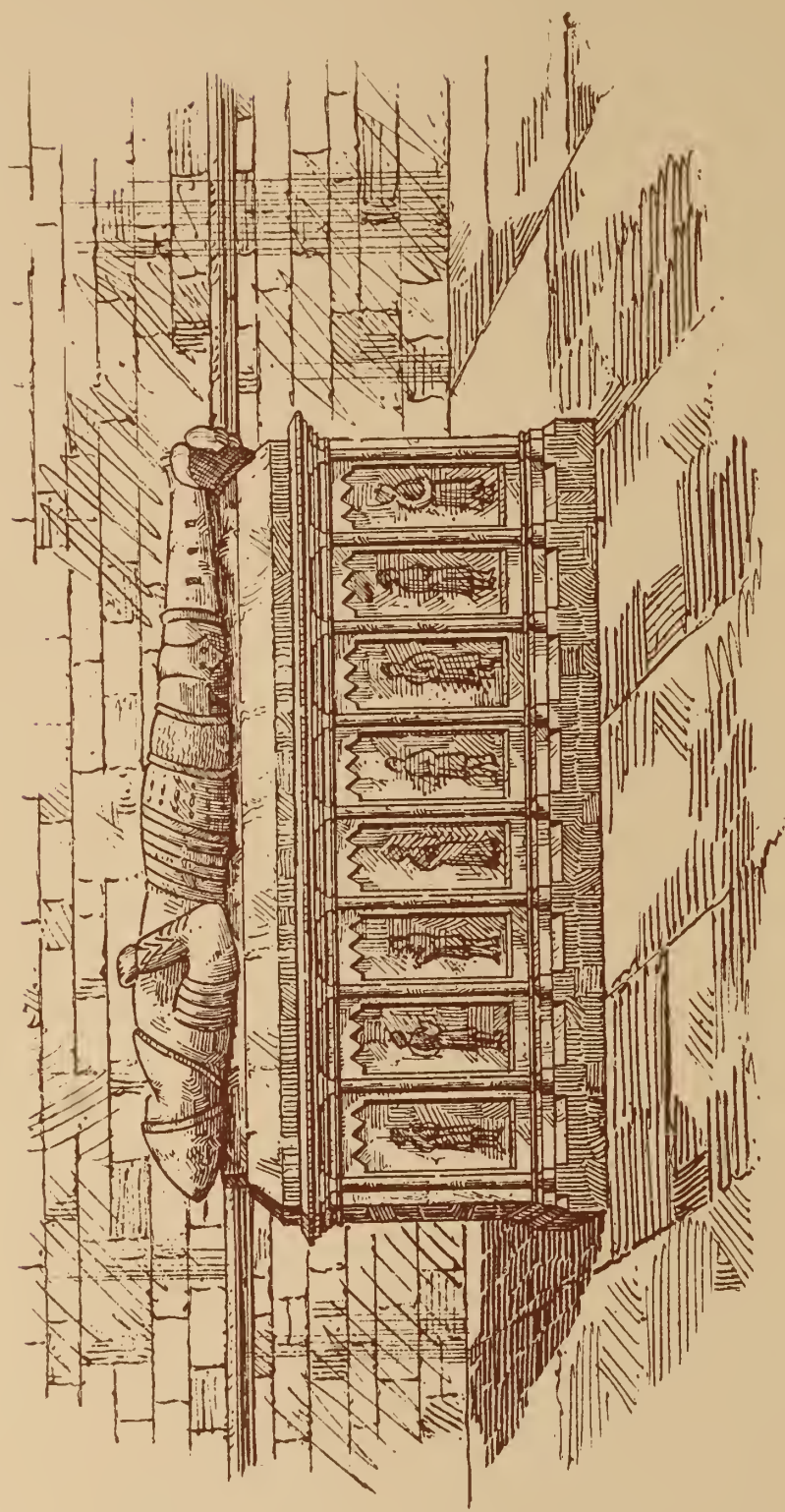
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TOMB OF ALEX^R STEWART, IVTH SON OF KING ROBERT II.
IN DUNKELD CATHEDRAL.



CHAPTER I.

THE old Chroniclers of Scotland relate that the great Stewards of Scotland descended from Bancho, Thane of Lochaber, grandson of King Kenneth III. ; but evidences which have since come to light prove that Walter Fitzalan was the first of his line who came to Scotland ; that he came from Shropshire, where his father, Alan, son of Flaald, a Norman, held lands at Oswestry ; that his brother William married Isabel de Say, and was ancestor of the Earls of Arundel ; and that they held even then a high position, Alan being witness to many Royal Acts of Henry I. of England. Walter appears to have espoused the cause of Maud, daughter of Henry I. of England, and niece of David I., King of Scotland, against King Stephen (A.D. 1135) ; and, on the retirement of the unhappy Empress-Queen (1147), was induced by the tried friendship of King David to remain with him after his withdrawal from the Northern counties. He received lands and the appointment of Lord High Steward or Senescallus, a term we find used for many subsequent generations, till superseded by the name of Stewart as the family patronymic.

We may here remark that the surnames indifferently spelt Steward, Steuart, Stewart, or Stuart, are incontestably derived from the Hereditary Lord High Stewardship held by Walter and his descendants for about two hundred years before their accession to the throne, and resembling the dignity of Mayor of the Palace, or *Major Domus*, under the French kings of the Merovingian race ; the term Steward being derived from the two Saxon words, *sti*, a house, and *wart* or *ward*, a guardian. In the writs of the Cathedral of Moray, to which we shall allude further on, we find as late as 1380-90, Alexander Stewart, son of King Robert II., invariably styled "Alex^r Senescalli ;" this was afterwards converted into Stewart, and continued so till the intimate relations were kept up between France and Scotland, consequent on the numbers of Scotch who served in France, where the *w* being unknown, the *u* gradually superseded it. This became more general after the marriage of Queen Mary with Francis II., and was adopted by her brother the Earl of Murray¹ and other noble

¹ In an interesting document (given amongst others by General David Stewart in his "Sketches of the Highlanders") we find the Earl of Murray, Prior of St. Andrews, before Queen Mary's return from France, signing himself "James Stewart" in 1560. It is appended to an authority, signed likewise by the Earls of Argyle and Gowrie, for the destruction of the images in Dunkeld Cathedral :—

families, such as Lords Traquair, Bute, and Castlemilk; while others adopted Steuart, for example, the Allantons and Coltness; the Grandtullys, Forthergills, and others adhering to the older form of *Stewart*.

It is not, however, our object to investigate the now acknowledged early history of the house of Stewart, or to recount its detailed descent, the earliest evidences of which clearly prove that as far back as the time of William the Conqueror they held a high position in England.

Those who wish to peruse the very interesting proofs and documents relating to these early periods of the Stewart history may consult Chalmers' "*Caledonia*," Riddell's "*Stewartiana*," and Lord Hailes' "*Annals*," which shew that "they were opulent and powerful before the middle of the twelfth century."

Without, therefore, going through each successive generation of their historic line, suffice it to say that Walter Fitzalan, Lord High Steward, was the direct ancestor of Walter Stewart, who married Marjory Bruce (daughter of King Robert Bruce), and whose son, on the death of his uncle David II., succeeded to the Scottish throne with the title of Robert II. in 1371, a period from which we find almost as strong evidence, and as many authentic records and documents respecting the private history of which we shall treat, as of its more public career. These will at once remove it from the sphere of tradition to that of actual history.

Robert II. left, with other sons, Alexander Stewart, Earl of Buchan and Ross, Lord Badenoch, who is acknowledged by authorities such as Crawford, Nisbet, Douglas, Duncan Stewart, Robertson ("*Earldom of Athole*"), Skene, and all who have investigated this subject, to have been the founder of the Athole Stewarts; that he held extensive property in this district, which was subsequently possessed by those who were universally acknowledged as his descendants, is also an undoubted fact.

In 1379 he obtained from his father Robert II. a charter of confirmation (still extant, *vide* Appendix, p. 62) of a resignation in his favour by Janet Menzies, of whom hereafter, of the lands of Lassintulich, Tullicheroske, Kynachan, all in Rannoch or Strath-tummel, Gart or Garth in Glengowlandy, and Bufrac or Bolfrach, two miles west of Aberfeldy, on the south bank of the Tay: these lands all still bear the same names given to them by that charter.

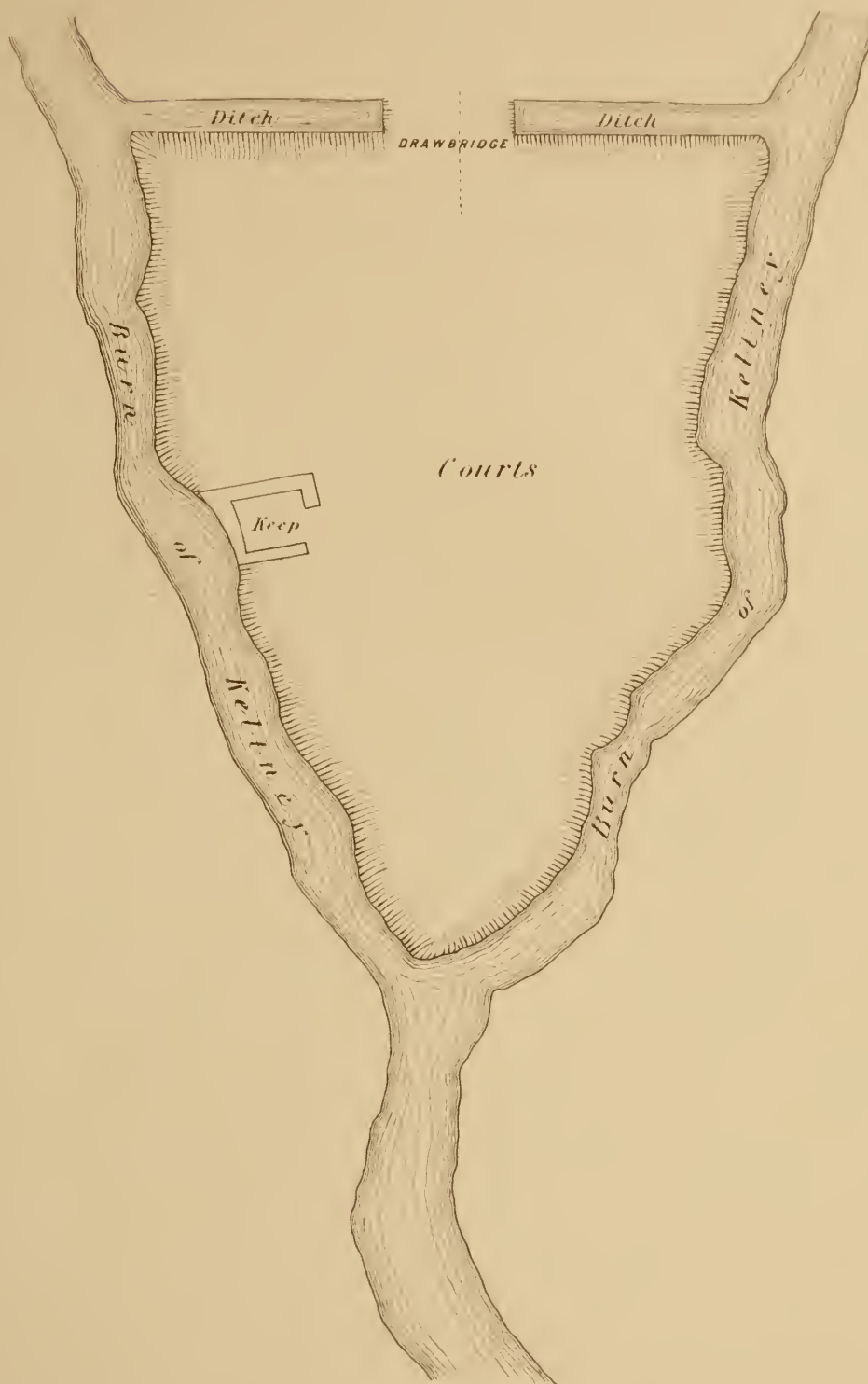
"*To our traist friends the Lairds of Airntully and Kinvaid,—*

"Traist friends, after most hearty commendation, we pray you fail not to pass incontinent to the Kirk of Dunkeilden and tak doon the hail images thereof, and bring them forth to the kirkyaird and burn them openly, and sicklyke cast doon the altars and purge the kirk of idolatry, and this ze fail not to do, as ze will do us singular unpleasure, and so committeth you to the protection of God.

"From Edinburgh y^e xiii of Aug^t 1560.

"Fail not but y^e tak guid heyd that neither the desks, windocks,
nor duirs be any way burnt or broken, eyther glassen wark or iron
wark.

ARGYLE.
JAMES STEWART.
WM. RUTHVEN."



PLAN OF REMAINS OF GARTH CASTLE.

It is with Gart or Garth we shall have most to deal in these pages; and we shall therefore treat somewhat at length of this property before going on with our account of Alexander Stewart.

Here may be still seen the fine remains of a very ancient stronghold, which for solidity of construction and strength of position is not to be surpassed.

The keep or tower, of which only three sides remain, stands on a sloping triangular hill, about 100 yards long, facing the south, and on a bold promontory (of which the base is about 60 yards) formed by two branches of the "Burn of Keltney," deeply sunk in rocky channels, which thus constituted formidable moats ere joining each other some 60 yards below the Castle, from whence the noisy torrent proceeds on in a similar rocky bed for about two miles, when it flows into the River Lyon, a mile and a half from the junction of the latter with the Tay.

The west wall of the Castle is on the edge of the precipice, and its foundations must be some 50 feet above the level of the "Burn;" thus the only part not defended by nature is the north side, where, however, a deep ditch was cut, having a drawbridge, which was the only passage to the Castle or its outer court. This ditch had evidently been partially filled in at its centre to facilitate the construction of the drawbridge, which formed the only access to the triangular rock on which the Castle is built.

No doubt all three sides of this precipitous plateau were well defended by parapets of masonry, but the only points where traces of this remain are where the drawbridge was placed, and at the north and south corners of the west wall of the Castle, where binding-stones or "leaders" appear, shewing where the parapet had joined on.

Within this space, so judiciously selected, and so well protected by nature and art alike, were outer courts and flank defences, indications of which are yet to be seen, though all that now remains worthy of note is the fine ruin of the inner keep or citadel, the west wall of which is so near the brink of the precipice that a pebble dropped from the Castle wall would fall into the rocky channel of the cataract below.

The inside measurement of the keep is 30 feet from east to west, and 17 from north to south. The walls still remaining are from 60 to 70 feet high from the ground, inside; but the earth has accumulated through the débris of the masonry falling in from time to time.

The only access through the walls now is by a large aperture on the south side, but probably the gate or doorway was in the east wall, which has fallen in to a great extent, and owing to the débris it is now impossible to say whether there was a door there or not. The aperture at present shews no indication of there having been a doorway, which most likely was some distance above ground-level, and entered by steps or moveable communication. On the left side of this aperture are traces of a sloping passage, of about 2 feet wide, which served as the staircase, and was formed in the centre of the wall, and which evidently went round the centre of the south and west walls also, affording access to the different storeys of the building, though we cannot trace the exact number of the latter,

of which there must, however, have been at least four. The remains of the arches forming the first flat above the entrance are plainly visible, and the walls throughout are from 6 to 7 feet thick.

The very fact of the staircase being in the thickness of the walls indicates, in the opinion of competent antiquaries, an extreme antiquity, for no such arrangement is met with in those castles built at a comparatively later age. In the Pictish burghs, as that of *Mousa* in Shetland, all access to the upper rooms is in the thickness of the wall, but inclined planes do the duty of stairs or steps. Such approaches are also found in several old Norman keeps, *e.g.*, Newcastle, Rochester; at the former there is a Chapel in the wall. A fine example of this sloping gallery is that in the Campanile on the Piazza San Marco, Venice, which is wide enough for two people to walk abreast easily. We are therefore warranted in believing that Garth was built at least five hundred years ago, viz., in the period when the Norman Barons exercised such independent sway far north of the Border,—all whose old Border “Peel” Forts have such staircases, either in detached towers or within the keep.

The accompanying plan and sketches (for which we are indebted to the talent of Miss Mary Stewart-Robertson of Edradynate) give some idea of the strength of the position. One of the latter is taken about 30 yards from the south wall, the other from the opposite side of the east “Burn,” about 150 yards from the tower. In the former, the aperture which gives access is seen, as also the shattered condition of the south and east walls, with the remaining arches of the first storey. In the latter, the still erect condition of the north wall is shewn.

That the pile has remained in its present condition for so long, and that no attempts have been made by ignorant vandalism to utilise the materials (as so very generally occurs), arises from the fortunate circumstance that no cart can possibly approach it. Indeed, the height and strength of the walls, which on the north and west sides are as erect and plumb as the day they were built, constitute their best protection.

Our reason for dwelling so circumstantially on these details respecting Garth Castle, is that it has always been supposed to have been erected by Alexander Stewart, Lord Buchan and Badenoch, when he obtained the lands before mentioned, on their resignation by Janet Menzies in 1379. As far as architectural evidence goes, it may have been erected even earlier than this; had it been built at a later period by one of his descendants, we should most likely have found evidence of the fact, especially when we consider the number of deeds still extant relating to each of them.

But in the absence of such evidence, and looking at the characteristics of the present ruin, and the universal tradition handed down respecting it, even the most sceptical critic would find little room to doubt that it formed one of the strongholds of that fierce chieftain from whom its ancient and yet existing appellation was derived.

It is known to this day in Gaelic as “Caisteal-a'-Chuilein-Churta,” or, “Castle of the fierce Wolf;” and it is a historic fact that Lord Badenoch’s appellation was, even during



RUINS OF GARTH CASTLE, PERTHSHIRE
FROM THE SOUTH

his lifetime, "The Wolf of Badenoch," a title of which he seemed most proud, and for which his wild deeds gave ample cause.

We are therefore fully justified in arriving at the conclusion that this stronghold owed its origin and name to him, and not to his son James, as asserted by General Stewart in his "Sketches of the Highlanders" (vol. i. p. 23), where he says—"James Stewart, son of Alexander Stewart, Earl of Buchan, son of King Robert II., is said to have built the Castle of Garth, and settled there some time after the year 1390." Indeed, James, son of this fierce Earl, would appear to have been rather of a quiet and gentle disposition—a contrast to his father, who has certainly left a name of no very enviable notoriety, but it is more than probable that he was not so bad as he is reputed to have been. That he was an enemy to the Church, and burnt the Cathedral and Monastery of Elgin, is true, and this alone would have brought down on him the anger of contemporary chroniclers—at that time clerics,—but he appears to have repented sincerely of his lawlessness, and, as historians state, made his peace with the Church; for he was thought worthy of being interred in the beautiful Cathedral of Dunkeld, where his handsome though much defaced monument is still to be seen. It bears the following favourable inscription:—

"HIC JACET DOMINUS ALEXANDER SENESCALLUS
DOMINUS DE BADENOCH
BONÆ MEMORIÆ,
QUI OBIT 24 DIE MENSIS JULII
ANNO DOMINI 1394."

Amongst the many interesting deeds contained in the *Registrum Episcopatus Moraviensis*, or Register of the Bishopric of Moray, are some relating to our "Alexander Senescallus."

The copies may be seen in the reprint issued by the Bannatyne Club.

Amongst them are a solemn agreement to protect the lieges and lands of that Bishopric by all his might; to avenge all losses and injuries to them; not to constrain them to appear before his or any other legal jurisdiction; freeing them from any imposts or military service.—(Page 171.) This refers more especially to the lands about Strathspey and Badenoch, and is dated on the Vigil of the Assumption of the Holy Virgin 1370.

At page 183 is a declaration that the Bishop's lands in Badenoch are not held of Lord Badenoch. It is dated 11th October, in the second year of the Pontificate of Clement VII., and tenth year of Robert II., A.D. 1380. Alexander is styled "that illustrious man Alex^r Senescalli, Lord of Badenoch, son of our said Lord the King, and his Lieut^r ;" and the deed, which is a long one, gives a detail of the difficulties which had taken place between the Bishop and Earl respecting the question, which is now finally settled and sealed by the latter. In October 1381 there is another (page 188)—"*Litera quiete clamationis Alexandri Senescalli, Domini de Badenoch de terris inferius scriptis*;"—by which Alexander, Bishop of Moray, receives acknowledgment from Alexander Senescalli that certain lands seized and held by him belong to the Bishopric,

and shall be delivered to the Reverend Father ; while the worthy Prelate, in April 1383 (page 183), hands over a certain estate of Ratmurkus to the Earl, "an act done with unanimous consent of the Dean and Chapter, with a view to the benefit of the Church, and after due diligent deliberation thereof in Chapter." In February 1386 there is a short statement of account between the Prelate and the Earl, in which the latter is styled "Magnificum Dominum Alexandrum Senescalli, Dominum de Badenoch ;" and a charter of the lands of Abreachy in the same month from the Bishop, who concedes and gives them "magnifico nobili et potenti Domino, Domino Alexandro Senescalli, Comiti Buchaniæ, Domino de Ross and de Badenoch, locum-tenenti domini nostri Regis, ac justiciario ex parte boreali aqua de Forth," and the consideration named is "the repeated benefits, aids, and subsidies to us and to our said Church" afforded by Alexander.

King Robert III., in the first year of his reign, transmits from Scone certain letters-patent to be duly sealed ; one for the Bishop of Moray, another "to our beloved brothers, Alex^r, Earl of Buchan, and John, Earl of Moray," directing them not to intermeddle with the Castle of Spynie.—(P. 204.) This matter of Spynie seems to have been a protracted one, for in the ninth year of his reign Robert issues a peremptory precept "to our beloved brother, Alex^r Senescalli, Earl of Buchan," to hand over Spynie forthwith to William, Bishop of Moray, successor of Alexander.—(P. 208.)

Amongst the "Memorabilia" (p. 381), the ecclesiastical chronicler notes that in the same year as the coronation of King Robert III., the people of Alexander Senescalli, son of the King, burned the town of Forres and the church of St. Laurence ; in June following, on the feast of St. Botolph, in the presence of the said Lord Alexander, burnt down the entire town of Elgin, the church of St. Egidia, eighteen noble and beautiful houses of canons and chaplains, and, what is yet more bitterly to be lamented, the noble and lovely church of Moray, "speculum patriæ et decus regni," with all the deeds and goods therein ; but fails not to add that the said Lord Alexander Senescalli was afterwards absolved from his excommunication, through special authority of the Bishop, by the Bishop of St. Andrews, in the presence of the King, Lords Fife, William de Keith, Malcolm de Drummond, Lord Mar, Thomas de Erskine, and many others, at Perth, at the threshold of the church of Order of Preachers, and then at the high altar, on condition that he satisfied the Church and sent to the Pope for absolution, otherwise the excommunication to be in force *ipso facto*.

There is also appended the very beautiful letter written to King Robert II. after the destruction of his church and property by the unfortunate Bishop, Alexander Bur, which needs no apology for being given in extenso :—

"SUPPLICATIO EPISCOPI PRO REMEDIO RE-EDIFICATIONIS ECCLESIE SUÆ.

"Humilissima mea recommendatione premissa, princeps serenissime et domine metuende, dignetur scire celsitudo regia me debilitatum senio et multis depredationibus et latrociniis depauperatum et confractum ac ad tantam redactum inopiam quod vix pauperem pro me et paucis familiaribus valeo sustinere, cum magna difficultate ad istud parlamentum vestrum apud Sconam ista vice, pro

remedio re-edificationis ecclesie mee que fuit speciale patrie decus, regni gloria et delectatio extraneorum et supervenientium hospitum, laus et exaltatio laudis in regnis extraneis in multitudine servientium et ornatu pulcherrimo, et in qua ut creditur Deus recte colebatur, ut de altis ipsius campanilibus et de venustissimo ipsius apparatu intrinseco et joculibus ipsius innumeris taceam, personaliter eum quibusdam ecclesie mee canonicis laborasse, et quia ipsum parliamentum non tenuit nec potui pro expensarum defectu ad vos ulterius laborare, causam Dei et ecclesie mee in majestatis vestre regie deduco memoriam, supplicans quantum possum humiliter quatenus incendiarios, et malefactores alios dignemini ad ipsius re-edificationem debitam et aliorum dampnorum illatorum satisfactionem congruam compellere per omnem censuram quam de consilio vestro videritis opportunam. Et quia ego Senex¹ et debitis pro causis predictis injuriam et combustionem ecclesie mee prosecui ulterius ad presens non valeo, causam ipsum majestati regie in subsidium justitie, et servitium Dei et sancte fidei orthodoxe prosequendam et emendam comitto, sicut venerabilis pater dominus episcopus Rossensis cui hec exponenda commissi excellentie regie plenius intimabit (cui dignetur) majestas regia super hiis credere, et mihi vestro capellano per ipsum precipere confidenter. Scriptum apud Seoon secundo die Decembris anno regni vestri primo, tempore coronationis vestre, querelam feci sed nichil invenio reformatum. Sceptrum vestrum regium inclitum et solium in sanetitate et justitia corroboret et dirigat dominantium dominus et rex regum." (Page 204.)

Alexander does not appear to have been much worse than his contemporaries in these violent acts, for further on we read that in July 1402, Alexander, third son of Alexander de Insulis, with his captains, entered forcibly into the canonry of Elgin, totally despoiled it of everything, burnt the greater part of the town of Elgin, and carried off the spoils. He again returned three months later with a yet more formidable force, but learning that this church had an ancient right of asylum or "sanctuary," and that he had by his violence incurred the sentence of excommunication, prayed for absolution, which appears to have been granted, as in the case of Lord Buchan, with much solemnity.

After such acts, it was hardly necessary for our chronicler to record the following quaint and plaintive lament :—"In those days there was no law in Scotland, but the stronger oppressed the weak, and the whole kingdom was a den of thieves ; murders, robberies, burnings, and other crimes remained unpunished ; and justice, baffled, was sent as an exile beyond the borders." In the *Liber Pluscardensis*, page 329, vol. i., being the seventh volume of the "*Historians of Scotland*," 1877, we find another reference to Lord Buchan and his father, King Robert II. :—

"Et sic, regno post multas tribulationes pacificato, et in prosperitate felicissima per longa tempora existente, dominus Robertus, rex secundus, brevi infirmitate detentus, apud Castrum de Dondonald, spiritum altissimo reddendo nature debitum solvit, et apud Seonam honorifice tumulatur. Obiit autem XII. Kalendas Maii, anno Domini M.CCC.XC.; regnavit annis XIX., cum diebus XXIII.; relinquens regnum in tranquillitate, libertate, fertilitate et pace; cujus anima cum Eterno Rege requiescat. Erat, vero, a totis annorum lxxiiij. *Alexander Stewart*, filius regis et *Comes Buchaniæ* combussit pulcherrimam ecclesiam de Elgyn in Moravia viz. Cathedralem. Quotandum est quod dictus rex Robertus secundus genuit tres filios ex sponsa sua

¹ He was consecrated by Pope Urban V. at Avignon in December 1362, and died 15th May 1397, according to Hailes.

Elizabeth, filia domini Adam de Mure, viz. Johannem, qui postea mutato nomine, fuit rex; et Robertum Albanie ducem; ac *prefatum Alexandrum, Comitem Buchaniæ*, qui vulgariter *Lupus de Badenoch* vocabatur et a Scotis silvestribus vocatus est *Alitstar More Makin Re*.”

General David Stewart, in his work above referred to, vol. i. p. 55, appears to have attributed the acts of “The Wolf” to one of his descendants at a much later period. He says—

“About the year 1520 the head of the family of Stewart of Garth was not only stripped of his authority by his friends and kindred, but confined for life, on account of his ungovernable passions and ferocious disposition. The cell in the Castle of Garth in which he was imprisoned was till lately regarded by the people with a kind of superstitious terror.

“This tyrant was nicknamed the ‘*fierce Wolf*,’ and, if the traditionary stories related of him have any claim to belief, the appellation was both deserved and characteristic.”

Now, the proprietor of Forthergill and Garth Castle at that date was Niel Stewart, the great-great-grandson of “The Wolf,” and, so far from his having been “confined for life” by his friends, charters in his favour and by him are in existence, and will be afterwards referred to, which prove that he was as much at liberty during his whole life as any of his race before or after him. The tradition evidently owes its origin to “The Wolf” himself, and refers to some of those deeds of violence which gained him this title, and to the punishment inflicted on him by his father, Robert II., till he performed the penance enjoined by the Bishops, and made peace with the Church.

We have it on the authority of Douglas and other historians that Sir Alexander Stewart, Earl of Buchan, was married to Euphemia, Countess of Ross, &c., but maltreated her. Sentence being pronounced against him by his Bishop for this and other misdeeds, and being bound under a penalty of £200 to behave well to his consort, he in revenge burnt the Cathedral of Elgin (as alluded to already), for which act he was thrown into prison by his father, and there confined for a considerable time, till released by his brother, who succeeded to the throne as Robert III., and who occupied the hunting-seat known as the “Palace” at Logierait,¹ in the district of Athole, the ruins of which are still visible, and only a few miles distant from Garth Castle, the home of “The Wolf.”

¹ The churchyard of Logierait is noticed further on, p. 38.

There is in it at this day a curious gravestone, with a large two-handed sword cut thereon, in prominent relief. From an account supplied by the Rev. A. Meldrum, present minister there, this relief is associated with Robert III., who resided at this Palace or Fortalice of Logierait, more particularly after resigning the labours of government to his brother the Duke of Albany.

Amongst his bodyguard and personal favourites was a German named Radt, on whom his Sovereign conferred as much land as was measured by a hawk’s flight which, being let loose from Logierait point [*Gallicè*, *Orònlagan*], near the royal hunting-seat, alighted on the heights of Tullypourie, or “The High land under a King.”

Radt consequently became owner of these lands, which continued to be held in detached portions by his descendants, as in Tullypourie, Pitnaeree, Eastertyre. These last named no doubt belonged to the Reids up to about the seventeenth century; but the intermediate lands of Tullypourie and Ballechin were never known to have belonged to the Reids. It is more probable that the property assigned to Radt were those *on* which the hawk or falcon *alighted*; for those of Ballechin were, with others in the district, gifted



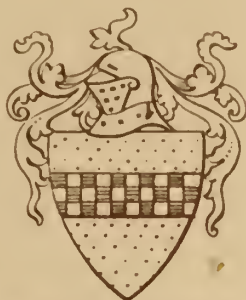
ARMS OF
HIGH STEWARD,
SECOND HIGH STEWARD

(MELROSE CHARTERS
A.D. 1190.)



ARMS OF
WALTER STEWARD,
THIRD HIGH STEWARD.

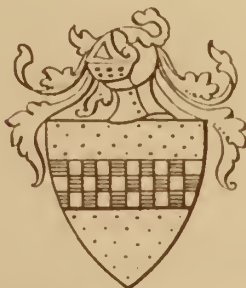
(MELROSE
CHARTERS,
CIRCA A.D. 1170)



ARMS OF ALEX. STEWARD,
FOURTH HIGH STEWARD. 2.
(MELROSE CHARTERS CIRCA 1226.)



ARMS OF JAMES STEWARD,
FIFTH HIGH STEWARD. 2.
(MELROSE CHARTERS CIRCA 1270.)



ARMS OF ROBERT STEWARD,
EARL OF STRATHGERINE,
AFTERWARDS KING ROBERT II.



ARMS OF THE
LORDSHIP OF BADENOCH.

Now, whether the place in which Alexander was confined was the cell in the Castle of Garth referred to by General David Stewart, or not, it seems more than probable that the tradition referred to "The Wolf of Badenoch," and not to Niel, his great-great-grandson, and that Lord Buchan was the "*Fierce Wolf*" to whom the appellation was applied, whether deserved or not.

Lord Buchan had, by Mariota, daughter of Athyn, four sons, of whom—

- (1.) *Alexander* Stewart, the eldest, was in 1404 created Earl of Mar by his uncle, Robert III., in right of his marriage with Margaret, Countess de Mar, and is well known as an historic character.¹
- (2.) *Sir Andrew* Stewart, who got a grant from his brother, the Earl of Mar, of the lands of Sandbauch.
- (3.) *Walter* Stewart, who got a charter from King Robert III., his uncle, of the lands of Kinchardin.
- (4.) *James* Stewart, who is witness to a charter by the Earl of Mar, his brother, dated 24th December 1469, where he is styled "Jacobus Stewart fratre nostro."

This deed is now in the charter-room of the Earl of Mar and Kellie.

It is with this James Stewart that we are more particularly interested, for historians are all agreed that he was father of John Stewart of Forthergill, by his wife, Janet Menzies, heiress of that territory. Unfortunately no charter has yet been discovered to establish legally James' identity as both owner of Garth and husband of Janet Menzies; and this can only be assumed from the universal acknowledgment of each historian who has touched on the subject; Duncan Stewart, J. A. Robertson, William Forbes Skene, the most justly celebrated historian of Ancient Scotland of this day, agreeing, amongst many others, that James Stewart, fourth son of Lord Buchan and Badenoch, married Janet Menzies, and was the progenitor of the Athole Stewarts, through John of Forthergill.

Moreover, all the surrounding circumstances tend to confirm this view of historians.

1st. As to Garth: it has been already shown that Garth formed part of the estates resigned to Lord Buchan by Janet Menzies. No notice of the property again appears, till, in a Crown charter by King James II. in 1455 to John Stewart, he is described as "John Stewart of Garth;" and then, in the record of his death in 1475, we find him named as dying "at Garth."

He must therefore have inherited it, as historians state, from his relationship to Lord Buchan; and this is confirmed by the fact that other lands in Rannoch and Strath-tummel, included in the charter of 1379 to Lord Buchan, were also possessed by him by King James II. to his natural son, Sir John Stewart, and have remained in the male line of his family till four years ago, when, on the death of Robert Steuart of Ballechin, the male line failed, and they passed into the hands of his sister's son, the present possessor of Ballechin, who has assumed the sole surname of Steuart.

¹ His death is thus quaintly recorded in the "Chronicle of Forthergill," p. 112—"Obitus Alexi Com. de Mar et Garwecht Aº Dº M.CCCCXXV. et sepultus in Invernes XXVI. Julii, qui fuit locum tenens domini nostri regis in temp. suo."

and his descendants ;¹ nor do we trace amongst the charters of the Duke of Athole, or elsewhere, any fresh grant of these lands, either to James or his son John.

But already in 1362 we find, by Robertson's "Index of Charters," that Robert de Atholia granted a charter to Alexander Menzies de Forthergill, on the marriage of the latter with Janet, daughter of the above Robert, one of the heirs of Glenesk. This proves Janet to be daughter of Robert and wife of Alexander Menzies.

And we find the subsequent "resignation" of lands by their daughter Janet de Menzies takes place about seventeen years after, just when she would become of age to be united to Lord Buchan's son, while we know of no other reason for such an important alienation of great estates without "consideration."

Lord Buchan had already large estates as the King's son, besides those obtained through his wife, in whose right he was Earl of Ross. That this "resignation" was not an enforced spoliation seems clear from its being confirmed by the King, without any process of law such as we shall see took place, where violence had been resorted to ; and also from the fact that Lord Buchan did not either divide these lands amongst his other sons, or alienate them by sale, as most likely would have been the case had they been under his own absolute control.

We may consequently conclude that they were not so alienated during the lifetime of James Stewart and his wife, Janet Menzies ; that Lord Buchan likewise settled lands on his son ; and that the "resignation" by Janet was probably made in order to enable the whole lands to be settled on the issue of the marriage by one deed, or to get the Earl to clear off any encumbrances on these extensive domains.

But, likewise, we find John in possession of these identical lands and castle, not by purchase, but by an ordinary Crown charter, which describes him (1455) as already of Garth, and by a nominal rent, without any allusion therein to these domains having belonged to any other lineage ; yet they are John's, "and his heirs for ever."

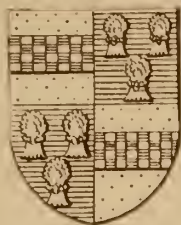
2*nd*. The families of James Stewart and Janet Menzies were already nearly connected, he being her second cousin ; Janet's father, Alexander de Meyners or Menzies having been grandson of Alexander Meyners, who married Egidia Stewart, aunt of King Robert II., father of Lord Buchan.

3*rd*. Another proof of blood relationship between the families is found in 1465 : John, first Earl of Athole, styles John Stewart of Forthergill (son of James), "*dilecto consanguineo nostro Johanni . . .*"

This could only have been, as far as our present evidence goes, through James (father of John) ; for he was first cousin of King James I., who was half-brother to this Earl of Athole (*see annexed Pedigree*).

4*th*. Another important circumstance goes yet further to strengthen this view, viz., that, from the earliest times till now, the heraldic insignia of the Stewarts of Forthergill, and their descendants, are those of "Stewart descended from Buchan," viz.—"Or, a fess

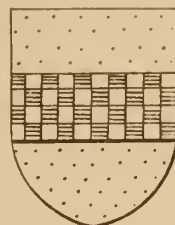
¹ "Lassintulicht Tullochrosk Tempair Kinnequhan," charter of 1379-80, Appendix p. 62. Charter of Confirmation 1504-5, p. 85. Precept of Sasine 1561, p. 96.



ARMS OF JOHN STEWART
EARL OF BUCHAN 4th SON OF
ROBERT II. KING OF SCOTLAND.



ARMS OF JOHN STEWART,
AS EARL OF CHIRRIK.
(AFTERWARDS KING ROBERT III.)



ARMS OF JOHN STEWART,
(AFTERWARDS KING ROBERT III.)
SON OF KING ROBERT II. AS BORN
BY HIM BEFORE HIS FATHER WAS
KING.



ARMS OF ROBERT STEWART,
3rd SON OF ROBERT II. & BROTHER
GERMAN TO ROBERT III, WHEN
EARL OF FIFE & MENTEITH.



ARMS OF ROBERT STEWART,
(SON OF ROBERT II.) AS DUKE
OF ALBANY.



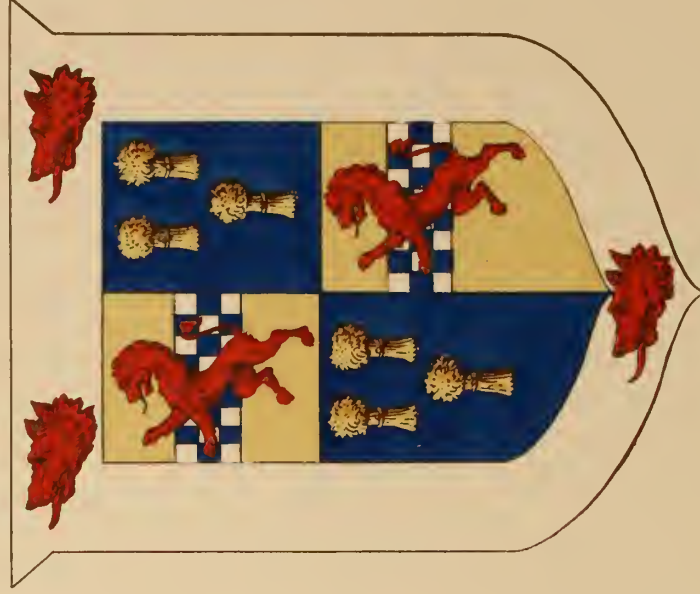
ARMS OF JOHN STEWART, 2nd
(DEPOSED SON OF ROBERT III) CREATED
EARL OF BUCHAN 1402.
CONSTABLE OF FRANCE AND ...
CHAMBERLAIN OF SCOTLAND.

Stewart of Bouchquhane



ARMS OF ALEXANDER STEWART (1374, EARL OF BUCHAN AND LORD BOUCHQUHANE) from the Heraldic Manuscript Embellished by Sir David Lindsay of the Mount, Lyon, King of Arms 1542.

Stewarts of Athole.



ARMS OF THE ATHOLE STEWARTS DESCENDED FROM ALEXANDER STEWART, EARL OF BUCHAN as Recorded in the Court of the Lyon King of Arms.

chequy, az. and arg., surmounted by a lion rampant, gules; quartering, azure, three garbs or, for Buchan; all within a bordure arg., charged with three wolves' heads, erased gules;" and for crest, either the griffin or the savage's head, couped, ppr.¹

Now this shield is perfectly historical; shows each of the early descents of the family with the simplicity characteristic of the uncorrupted heraldry of that day, and is consequently most interesting. It is entered in the Records of Lyon King-of-Arms.

The Stewart and Buchan shield quarterly was borne by Alexander Stewart, as son of Robert II. and Earl of Buchan, and is surmounted by the lion rampant for difference: the bordure represents *Stirling* of *Glenesk*, the charge of wolves' heads *Robertson De Atholia*, and the crest of the "savage's head" *Menzies*, of which families Janet Menzies, wife of James (son of Lord Buchan), was heiress; the "griffin," however, being adopted by some of the *Bonskeid* branch.

This coat is an excellent example of the beautiful simplicity of early heraldry, incorporating as it does the representation of several families, without complicating the shield by profuse quarterings, a custom which has prevailed during more recent periods.

The annexed illustrations of the armorial bearings of the earlier Stewarts show the affinity between the coats. We need hardly say that in that day the strict correctness of arms was a matter which engrossed the utmost attention, and therefore marked exactly, truthfully, and authoritatively before crowded assemblies the descent of those who bore them, and their degree of relationship to their progenitor.

5th. Yet another circumstance corroborates the unanimity of historians on this point, viz., that John and his son Niel, and the wife of his grandson (Niel), are stated in the "Chronicles of Forthergill" (in the Taymouth charter-room), and in the "Chronicle of the Dean of Lismore," to have been buried in Dunkeld Cathedral, which is twenty-five miles from Garth Castle, where they died. There could be no probable reason why the bodies of these persons should be successively taken at long intervals (1475, 1499, and 1538) all that distance, except the fact of their relationship to "The Wolf of Badenoch," who had been already buried there.

As to the territory of Forthergill, no deeds have as yet been traced to prove that it was actually possessed by Janet Menzies, wife of James Stewart, though it is acknowledged by historians that such was the case, and that the territory came to the descendants of "The Wolf" through her marriage with James Stewart, his son.

Forthergill certainly was the property of the Menzies in the fourteenth century, for a charter is quoted in Robertson's "Index of Charters," p. 19, "Vice Comitatus de Perth." "By King Robert I., Carta to Tho^s Menzies of the lands of Forthergill, in Atholia."

¹ "The Stewarts of Athole and Buchan of old (says Imhoff) accompanied their fess with *wolves' heads*, which I have sometimes met with in old illuminated manuscripts." The *bordure* is looked on as an honourable ordinary by the French, and by us as an additional figure or difference for the distinction of coats-of-arms of particular families descended from the same house, though often carried as a principal figure, as in the arms of the old Earls of Dunbar and March, the Earls of Panmure, Sir A. Cumming of Coulter, Lords Gray, Sir J. Dundas of Arnistoun, the kings of Portugal and Holland, Richard Earl of Poitiers and Cornwall, etc., etc. (See Nisbet's "Heraldry," ed. 1722, Edinb. vol. i. 53, 309.)

Again, in the reign of King David II., there appears, page 51 of the same authority, the following:—"Carta by Robert, son of Duncan, Earl of Athole, to Alexander Menzies of Forthergill, upon the marriage of Jean, daughter to the said Robert, one of the heirs of Glenesk."

This Alexander is unquestionably the son and successor of Thomas Menzies, first of Forthergill; Thomas being the younger son of Sir Alexander Menzies, Knight, who married Egidia, only daughter of James, High Steward of Scotland, sister of Walter, Lord High Steward, and aunt to King Robert II. (*Vide* Appendix to "Nisbet's Heraldry," pp. 243, 244.)

Nisbet says of Sir Robert, eldest son of the above Sir Alexander, that he had "two sons, John, being the heir of the family, and Alexander de Meyners de Forthergill, which Alexander, by his wife Janet, got the lands in the shire of Aberdeen, in the North."

In a footnote, "*d*," he proceeds to say, "In the charter granted by the before-mentioned Sir Alexander to Sir Robert, his son, Alexander de Meyners de Forthergill is called his grandchild," and thus he founds his statement that Sir Alexander was second son of Sir Robert; but had omitted to ascertain that Forthergill was previously possessed by *Thomas*, who would be the second son of Sir Alexander and Egidia, making Sir Alexander de Meyners de Forthergill still (as he says) grandchild of Sir Alexander and Egidia.

In a second footnote, "*e*," he refers to a charter by "Janet de Meyners, Domina de Forthergill, to Alexander Meyners, her husband, of the lands of Fechelly, in the barony of Kinedicard and shire of Aberdeen, dated 9th March 1381." This charter was in possession of Mr. George Crawford.

This Janet's daughter is the same who resigned the lands in 1375 to Lord Badenoch, the said resignation being probably granted, as stated by Colonel Robertson in his "Earldom of Athole," page 26, "in contemplation of the betrothal of Jean's child Janet to a son of the Earl: there was a marriage at a later period between these parties."

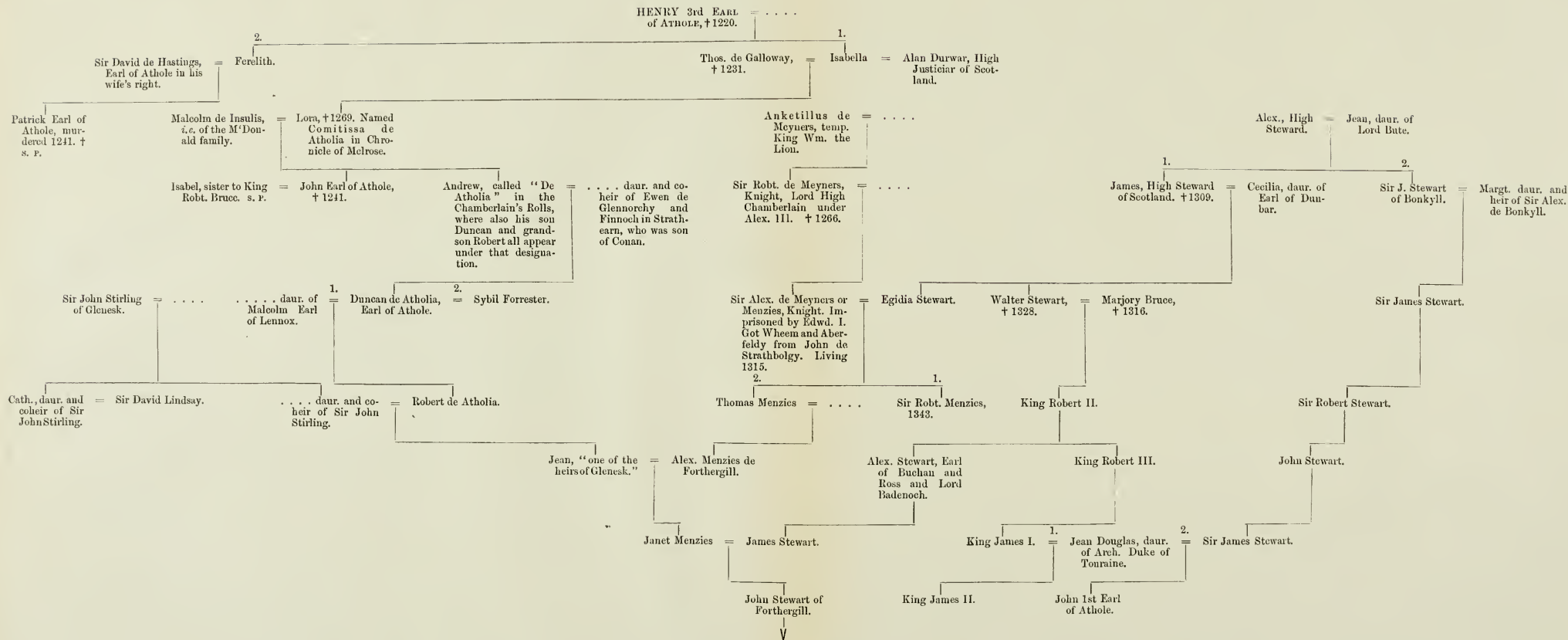
From the above, which is at all events the only evidence that can at present be gathered to throw light on the subject, it may reasonably be concluded, in accordance with historic acknowledgment, that James, fourth son of the Earl of Buchan, came into possession of his father's lands in Athole, including the Castle of Garth; and that by his marriage with Janet Menzies the estate of Forthergill came to the family.

This James Stewart is named, as previously mentioned, in a registered charter by King James I. of Scotland, dated 12th August 1426, confirming another charter by Alexander Stewart, Earl of Mar and Garioch, to Alexander de Forbes, of the lands of Glencoure, dated 24th December 1409; to which charter James Stewart, first of Forthergill, brother to the said Earl of Mar, is a witness. In this charter James Stewart of Forthergill is termed *Frater noster* by the Earl of Mar.

This Earl of Mar and Garioch was, as we have stated above, the eldest son of Alexander Stewart, Earl of Buchan and Lord Badenoch, and died A.D. 1425. The charter will be found in the Appendix, page 62.



TABLE OF DESCENT OF JOHN STEWART OF FORTHERGILL.





CHAPTER II.

JAMES was succeeded in his estates by John Stewart, second of Forthergill, Garth, Rannoeh, Kilbroiehan, &c. From the many deeds in which he is named, and those granted by him, it seems clear that he was in reality what we find him termed, "a nobleman," one of high position and influence, and the descendant of men of considerable weight and authority.

It would be difficult for us now to define accurately the boundaries of his Forthergill territory. In the "Statistical Survey of Scotland," vol. x. p. 532, published in 1845, the "Vale" of Fortingal is said to be in all six miles long. It would extend principally on the north side of the River Lyon, from the Burn of Keltney, which divides it from the Menzies' lands on the east, and by branches of which "Burn" Garth Castle is strongly protected, the castle itself being about two miles north of what is now called the Bridge of Keltney.

The property extends five or six miles northwards to the top of the mountain of Sith-eaillium, where the district of Rannoeh is bounded on the south, and where also the lands of Rannoeh, acquired by Lord Badenoch from Janet Menzies (as already shown), join those of Forthergill.

Thus the territory possessed by John Stewart was considerable, and besides Forthergill, Bolfraehs, and the Rannoeh lands, extended on the north side of the Tummel (loch and river), including Bonskeid (otherwise Killiebroehan) and Boranich. Truly a considerable heritage even for that day.

General David Stewart, in the Appendix to his work on the Highlanders, already mentioned, refers (vol. ii. page 8) to the tradition of the battle fought in Glenlyon about the middle of the fifteenth century in these words:—

" . . . Of such feuds many instances might be adduced. I shall select only one, which may serve to exemplify the apparently trivial causes from which they sometimes arose, in periods when men could not resort to the law for protection, and the deadly and often fatal animosity with which they were maintained.

" After the middle of the fifteenth century a quarrel occurred between Stewart of Garth and a clan named Macivor, who then possessed the greater part of Glenlyon. The Laird of Garth had been nursed by a woman of the clan Macdiarmid, which was then, and is still, pretty numerous in Glenlyon and Breadalbane. This woman had two sons, one of whom, foster-brother to the Laird, having

been much injured by Macivor in a dispute, threatened to apply for redress to his foster-brother, and the two brothers immediately set out for that purpose to the castle of Garth, fourteen or fifteen miles distant.

"In those days a foster-brother was regarded as one of the family, and Macivor, well aware that the quarrel of the Macdiarmids would be espoused by his neighbour, ordered a pursuit. The young men, being hard pressed, threw themselves into a deep pool of the River Lyon, where they hoped that their pursuers would not venture to follow them. The foster-brother was, however, desperately wounded with an arrow and drowned in the pool, which still retains the name of Linne Donnel, or Donald's Pool.

"The other succeeded in reaching Garth.

"Resolved to avenge his friend's death, the Laird collected his followers, and marched to Glenlyon.

"Macivor mustered his men, and met the invaders about the middle of the glen.

"The chiefs stepped forward between the two bands, in the hope of settling the affair amicably.

"Garth wore a plaid, the one side of which was red and the other dark-coloured tartan, and on proceeding to the conference he told his men that if the result was amicable, the darker side of the plaid should remain outward, as it was; if otherwise, he would give the signal of attack by turning out the red side.

"They were still engaged in the conference when Macivor whistled loud, and a number of armed men started up from the adjoining rocks and bushes, where they had been concealed, while the main body were drawn up in front.

"'Who are these?' said Stewart, 'and for what purpose are they there?' 'They are only a herd of my roes that are frisking about the rocks,' replied Macivor. 'In that case,' said the other, 'it is time for me to call my hounds.' Then turning his plaid, he rejoined his men, who were watching his motions, and instantly advanced. Both parties rushed forward to the combat; the Macivors gave way, and were pursued eight miles further up the glen. Here they turned to make a last effort, but were again driven back with great loss.

"The survivors fled across the mountains to another part of the country, and were for some time not permitted to return. Macivor's land was in the meantime seized by the victors, and law confirmed what the sword had won.

"The names of the river and glen still continue memorials of this sanguinary fray. Dhui and Glen Dhui were their former names.

"When the Stewarts were returning from the last pursuit they washed their swords in the river, which was discoloured a considerable way down on one side by the blood.

"'This stream,' exclaimed the chieftain, 'shall no longer be called *Dhui*, but Leiven' (leiven is to wipe or lave), 'and the glen shall be called Glen Leiven.'

"Before the combat commenced, Stewart's men pulled off a kind of sandals, bound round the ankles with thongs, and called in Gaelic *Cuaran*. These they laid aside close to a small rock, which to this day is called in Gaelic *Lech-na-cuaran*, the Stone or Slab of the Sandals. The spot where they drew their swords is called *Ruskich*, to uncover or unsheath; the field where the rencontre commenced *Laggan-na-cath*, the field of battle; and the spot where the last stand was made, *Camus-na-carn*, from the cairns or mounds of stones which cover the graves, and which, from their contiguity, show the considerable number slain, which tradition says amounted to one hundred and forty on the part of the Macivors.

"In 1816 a sword and battle-axe, now in my possession, were dug up at *Laggan-na-cath*. The first is in the form of a small sword, and remarkable for its elegance and proportions, being equal to

Chapter N^o 1.

*Charter by James II King of Scots, to John Stewart of Gart.
of the lands of Fothergill. Dated 30th October 1455.*

any model of the present day. The blade is long, but, as may be supposed, much destroyed by rust. The axe, more decayed than the sword, is the same as was anciently used by the Highlanders when they closed in fight. The sword is so far curious, as it shows that the Highlanders of that age had small swords."

It would almost appear as if this tradition referred to something which took place far earlier than the middle of the fifteenth century, and to a race of pure Celtic origin. We may here remark that the Stewarts, who owned and occupied Garth Castle, rarely assumed the designation of "Stewarts of Garth," but generally that of "Stewarts of *Forthergill*," after the date of the Crown charter of 1455 to John Stewart.

The tradition is, however, interesting, although it is unlikely that either John Stewart, or his eldest son, Niel, would have been engaged in a strife of this description without some record being extant, either in charters or other documents, of the lands thus acquired by them; or at least the properties would be named in some of the numerous other deeds of their lands still preserved in the Athole and other charter-rooms.

Titles exist for all the territory they possessed, and yet there is no trace of "the law confirming what the sword had won" in territory some fourteen miles distant from their stronghold of Garth Castle. This is certainly remarkable. There is only one statement which can give the slightest evidence that these lands were ever in the possession of Niel, son of John; and that is found in the "Band" or indenture between Niel and Duncane Campbell, second Laird of Glenorchay, of 15th October 1488, where it is said "Niel Stewart sall frely oure gife to the said Duncane Campbell the landis and bailyery of the landis of Glenlyoun, and never in tyme to cum sall intromet therewith, nor yet tak the samyn." (*Vide* Appendix, page 77.)

The lands of Roro, in Glenlyon, subsequently formed a portion of the Menzies and Breadalbane estates.

The derivation of the word "Lyon" is accounted for in the "Statistical Account," vol. x. p. 530, in a different way from that given by General Stewart, viz., from "Gleam-Linna," the Glen of the Lakes or Pools, or from "Glen-lighe-amluinn," the Glen of the Flowing River—a name highly characteristic.

Amongst the many deeds we find relating to John Stewart of Forthergill are the following:—

A feu-charter of that property from King James II., of 30th October 1455.¹

A notarial instrument of 28th June 1461, following on an indenture, dated Perth, 6th July 1460, in which he is styled "John Stewart of the Rannoeh." Other deeds, of 12th August 1461, 23rd August 1462.² A very interesting deed of gift, "mortis causa," by which he gives an annual rent to the altar of St. Adamnan, in Dunkeld Cathedral, "with consent of his beloved son and apparent heir, Niel Stewart, in honour of the

¹ See *facsimile*, No. 1, and translation, at p. 63 of Appendix.

² See *facsimile*, No. 2, and translation, at p. 67 of Appendix.

Holy and Undivided Trinity, the undefiled and most glorious Virgin Mary, and all the holy celestial citizens, especially Saints Adamnan and Columba, the confessors, and for the increase of Divine Worship in the Cathedral Church of Dunkeld, at the Altar of St. Adamnan therein, and with consent of Thomas, Bishop of Dunkeld, for the welfare of the soul of King James and his Queen, Margaret, and the soul of my dearest spouse, Mariot, and for the souls of my father, mother (*patrum, matrum*), brothers (and especially of my late brother Niel), and my sisters, and the souls of the children (*prolium*), and for the soul of Elizabeth Gordon, spouse of Niel Stewart, &c., granting to the said Altar of St. Adamnan, and to one priest (*presbitero*) serving there, 12 *merks* of annual rent, out of the lands of Twlicwrane (Tullicheurran) and Dalnagarn, lying in Strathardill," &c. Dated at Perth, 13th May 1472. Robert Menzies of Comry is a witness.¹

St. Adamnan was an abbot, whose biography may be found in the "Breviary of Aberdeen" (part. æst. fo. 114) for 23rd September. He is said to have been born about A.D. 624, and his chief work was the "Life of St. Columba." He spent much of his time in Ireland, but was an important and popular saint in Scotland, where many churches were placed under his patronage. Those at Dalmény, Dull, Grandtully, and many others, were dedicated to him.—(See "Red Book of Grandtully," p. 77; "Kalendars of British Saints," by Bishop Forbes; Fordun's "Scotichron.," vol. i. p. 18, ed. Goodall; Skene's "Chronicles of Picts and Scots," pp. 74, 355; Reeves' "Adamnan," p. 178; "Gretser Acta S.S. O. Ben.," part ii. p. 456.)

John also grants a reversion of lands to his sister's son, Silvester Rattray of that ilk, on 6th December 1474, and obtains one from the same Silvester of certain lands (*meo carissimo avunculo*) on 6th November 1467.

All the above are in the charter-room of the Duke of Athole.

In the "Red Book of Grandtully" (pp. 18-20) we find that on 24th February 1465 he obtained a charter from John, Earl of Athole, of the lands of Edradagonat, now Edradynate.

And in the charter-room of Castle Menzies is "Ane reversion to Johne Menzies apone the landis of Dalroy, daitit the last of Februarie 1475," granted by John Stewart.

John had a younger brother, Niel Stewart, who married Elizabeth Gordon, both being named in the deed by which John bequeaths money for prayers for himself and others.

This Elizabeth Gordon is believed to have been a sister of the Earl of Huntly, with whose family there was great intimacy for several generations. For example, we find George, Lord Huntly, surety for Niel, son of John Stewart of Forthergill, in the "Band" with Duncan Campbell of Glenorchy in 1488; in 1477, by the bond of man-rent between John, Earl of Athole, and said Niel, Niel reserves "his allegiance to the Earl of Huntlie," besides several other instances, which will be found in the proofs printed in the Appendix.

¹ See *facsimile*, No. 3, with translation, p. 70 of Appendix.



Interior of Dunkeld Cathedral

S. Laidlaw

DUNKELD CATHEDRAL,
EARLY BURIAL PLACE OF THE STEWARTS OF FORTHERGILL

Later, again, there was relationship by the marriage of John's grandson, Niel, with Lady Christian Stewart, half-sister of Lady Jean Stewart, wife of Alexander, Earl of Huntly, both being daughters of John, first Earl of Athole.

John left, with other children, a daughter, who married Rettray of that ilk—a powerful and distinguished line. Her son, Silvester Rettray, we have already named. By the "Red Book of Grandtully" we see he was witness (vol. i. p. 16) in retour of service of Alexander Stewart, as heir to his father, Thomas Stewart, in the lands of Grandtully, on 13th May 1462, and that Andrew Rettray is served heir (p. 46) to his father, Silvester, in the lands of Balnacard, on 19th April 1514.

Another daughter of John was Maud Stewart, who married Thomas Stewart of Grandtully, above named, and was mother of Alexander Stewart, fourth of Grandtully, just mentioned (who married Matilda, daughter of Sir James Stewart, son of Murdoch, Duke of Albany), and who, on 5th July 1470, obtained a writ under the Great Seal from King James III. at Perth, infesting John Stewart, his eldest son, in the lands of Grandtully, and providing that, should he himself die during the minority of his son John, his own mother, Maud Stewart, and her father, John Stewart of Rannoch, and her brothers, and whomsoever *she* should be pleased to appoint, should be his son's guardians till his majority.—(Vol. i. p. 74.)

At page 15 of the same volume, our John Stewart of Rannoch is named in an agreement between William, Abbot of Cupar, and Thomas Stewart of Grandtully, concerning the marches of Murthly and Grandtully, on 10th July 1449, together with "John Menyheis de la Weyme, John Rettrie," &c.

John Stewart died at Garth on 10th December 1475, a fact recorded in the "Chronicle of Forthergill"¹ (printed together with the "Black Book of Taymouth," by the late Marquis of Breadalbane) in the following words:—

"Obitus Johannis Stuart, de Fortrygill apud Gartt, x. die Decembris A° Dⁱ M^{mo}cccc septuagesimo quinto, et sepultus est in Dunkeld."

And this is again confirmed by the independent evidence of the Dean of Lismore's "Chronicle,"¹ where we find the following entry:—

"1475, Dec^r 10.—Obitus Johannis Stewart de Fothergill apud Gartht, x. die Decembris A° Dⁱ M^{cccc}^{mo} septuagesimo quinto. Et sepultus est in Dunkeld."

¹ Both these records contain valuable information for historic purposes; the latter will be found in the "Archæologia Scotica," or Transactions of the Society of Antiquaries of Scotland, vol. iii. p. 317, 1831. It contains an obituary relating to the Highlands, compiled in the sixteenth century by *Ja^s Macgregor, Decanus Lismore*. The latest date of entry is 1542.





CHAPTER III.

JOHNS STEWART, first of Forthergill, left three sons :—

- (1.) Niel, who succeeded him.
- (2.) Alexander, of whom we shall treat in Chapter IV.
- (3.) James, mentioned as “Brother Germaine to unquhile Niel Stewart of Forthergill” in the “Acta Dominorum Concilii” on 23rd March 1500, 6th and 25th July 1501, and 7th October 1578.

Niel was third Laird of the territories of Forthergill, Garth, &c. He obtained a sasine as son and heir to his father, John, for the lands of Kilbrochan (now Bonskeid), on 26th April 1478.

Ten years later we find him entering into an agreement or treaty with Duncan Campbell, second Laird of Glenorchy, who fell at Flodden Field on 9th September 1513, together with the Earl of Argyle, who with Lord Huntly (died 1502) appeared as sureties for the due observance of its clauses. The document bears the date of 15th October 1488, and its quaint character will be gathered from the copy given *in extenso* in the Appendix, p. 77.

This Duncan Campbell, second Laird of Glenorchy, who was killed at the battle of Flodden Field, 1513, was son of Colin Campbell, first Laird (died 1480), who was next brother to Archibald, first Earl of Argyle. The intimacy between Duncan Campbell and Niel Stewart was probably caused by the fact that their sons, Colin Campbell and Niel Stewart of Broichan, were betrothed and subsequently married to the Ladies Marjory and Christian Stewart, daughters of John, Earl of Athole, half-brother to King James II.

Again, in the year 1488, we find that, in the Parliament held at Edinburgh on the 15th October (the date of the treaty just mentioned), Niel Stewart of Forthergill was appointed “Commissioner for the Suppression of Crime, rief [or robbery],” &c. &c., along with Duncan Campbell and Ewyne Campbell, for the districts of Dischertoyer, Glenorquher, Rannoch, Apnadull, Glenfalloch, Glenlyon, &c. (Acts of Parliament, vol. ii. p. 208.)

Indeed this year seems to have been an important one in Niel’s life, for, according to a MS. in the collections by Macfarlane and others, now existing in the Advocates’ Library at Edinburgh, there is the following entry in No. 35, 4, 8, page 434 :—

“Bond of manrent by Niel Stewart of Forthyrigill, for all the days of his life, to Laurence, Lord Oliphant, to ryd and gang with all his men, kyn and friends, that he can purchase, in defence of the said Lord agst all men, except the King and the Lords of Huntlie.

“Before JAMES OLIPHANT of Arquhalzie, 1488.”

These "man-rents" were treaties, offensive and defensive, between the respective parties, in which, however, allegiance to the Sovereign and their own family connections was always stipulated for. General Stewart mentions one signed at the Burn of Keltney, 24th June 1654, where the Stewarts of Athole, Monteith, and Appin bound themselves together for mutual protection, more particularly against the Marquis of Argyle, who had sided with the Covenanters.

The Stewarts in Athole could muster a thousand fighting men; but ranged themselves under the Earls of Athole, their feudal superiors, to whom contingents from the Stewarts of Grandtully, Appin, or the Menzies—each of whom could furnish some 300 each—were frequently very acceptable.

In Lord Gray's charter-room we also find Niel obtaining a charter from Andrew, Lord Gray, on 23rd April 1478. On 26th April 1478 Niel again appears in another similar deed, now amongst the Athole charters; and is mentioned, together with his brother "James," in the Acts of the Lords of Council under date 7th October 1478, and in several subsequent minutes.

Previously to this, however, Niel had, on the 24th January 1477, obtained a confirmation under the Great Seal by King James III. to himself as son and heir of the late John Stewart of Forthergill, of three Royal Letters granted to his father and himself during the King's minority, of the lands of Apnadull, Rannoch, Glenlyon, &c. &c. (*vide* Appendix, page 75); while on 7th October 1478, 10th July 1480, 14th November 1490, 19th June 1494, there are various entries in the Acts of the Lords of Council relating to affairs connected with his property, and complications which had arisen with James Shaw of Sauchy, John Moncrieff of Moncrieff, and his own kinsman, Robert Menzies. These documents will be found, page 76.

Niel Stewart, on 22nd August 1495, obtained a charter, passed under the Great Seal by King James IV., "to Niel Stewart of Forthergill, and Elizabeth Stewart, his wife, and their issue, of the Bordlands of Forthergill," &c. (*Vide* Appendix, page 78.)

Further Acts of the Lords of the Council in January 1498 and January 1499 name Niel in conjunction with the Master of Ruthven, Lord Drummond, Stewart of Stratherne, Stewart of Monteath, Duncan Campbell of Glenorchy, and others. (See Appendix, p. 78.)

In his old age Niel seems to have suffered injury from John, Earl of Athole, who had "vexit and troublit him in the peceable brocking and joising of his landis," as is said in another of the Acts of the Lords of Council on 13th January 1499. (See page 79.)

Niel I. died at Garth Castle, 31st January 1499, as is shown by the entry in the "Chronicle of Forthergill," which states—"Obitus Nigelli Stuart de Fortyrgill, apud Gart, ultimo dei Januarii Anno M^occcc nonogesimo nono," and further corroborated by the "Chronicle of the Deau of Lismore," where we find:—

"1499, Jan^y 31.—Obitus Nigelli Stewart apud Gartht; et sepultus in Dunkeld, ultimo Januarii Anno Domini I^{mo} quadringentesimo nonagesimo nono."

He left three sons:—

Niel, who succeeded him, and is called in the old *Chronicle* of Forthergill "The Red" *Niel*. *Malcolm* and *John*, who are both named in the *Acta Dom. Concilii* of 17th March 1500 as sons to umquhile *Niel Stewart* of Forthergill.

Niel I. was succeeded by his eldest son, *Niel II.*, as third *Laird* of Forthergill, Garth, &c.

He married *Christian*, daughter of *John*, first *Earl* of *Athole*, as is proved by a very curious bond of manrent between his father, *Niel I.*, and the *Earl*, which is dated 22nd January 1477, and provides for the marriage of the said *Christian* with *Niel*, son of *Niel Stewart* of Forthergill.¹

She died on 30th May 1538, and was buried in the Cathedral of *Dunkeld*, or, in the words of the *Chronicle* of Forthergill, "Obitus *Christine Stuart*, Domina de Forthergill, et sponse *Nigelli Roy* de Fortyrigill, qui obiit apud *Fos* penultimo die Mai, et sepulta apud *Dunkeld* A° Dⁱ Mv°xxxviiij."

This is confirmed in almost the same wording by the *Dean* of *Lismore's Chronicle*, which adds that she died at *Garth*, and was buried near the *Altar* of *Ninian*.

This marriage of "*Niel Stewart* of *Garth*" to *Lady Christian* is mentioned in the MSS. of *Lord Ochiltree*.—(Adv. Lib.)

On 3rd November 1500 *Niel* obtained a precept of "clare constat" from *Andrew*, *Lord Gray*, as heir to his father, *Niel*, in the lands of *Killiebrochan*,² &c.; and on 1st March 1504, a precept of sasine by *King James IV.* to himself and "*Christian Stewart*, his spouse," in the lands of Forthergill, &c.

The first mention of this *Niel*, or *Nigel*, in the *Aets* of the *Lords* of the *Council*, is on 26th November 1500, where he is described as "*Nele Stewart*, son and air til umquhile *Neile Stewart* of Forthergill;" as also in subsequent *Aets* of 15th, 17th, 22nd, and 23rd March and 26th June 1500, 6th and 21st July 1501, by which it is shown that there was a feud between the *Menzies* and the *Forthergill Stewarts* regarding their respective properties, a feud apparently handed down from the preceding generation, and which, in the present one, was, as we shall presently see, destined to have the most serious results to both the sides involved.

The feud had, on the succession of *Niel Stewart II.*, reached such a point that the *Menzies* applied for the interference of the *Lords* of *Council*, who issued several decreets in the matter; but even law seems to have been ineffectual in preserving peace between the contending parties, who now had to find sureties that each should be "harmles and skaithles from the other."

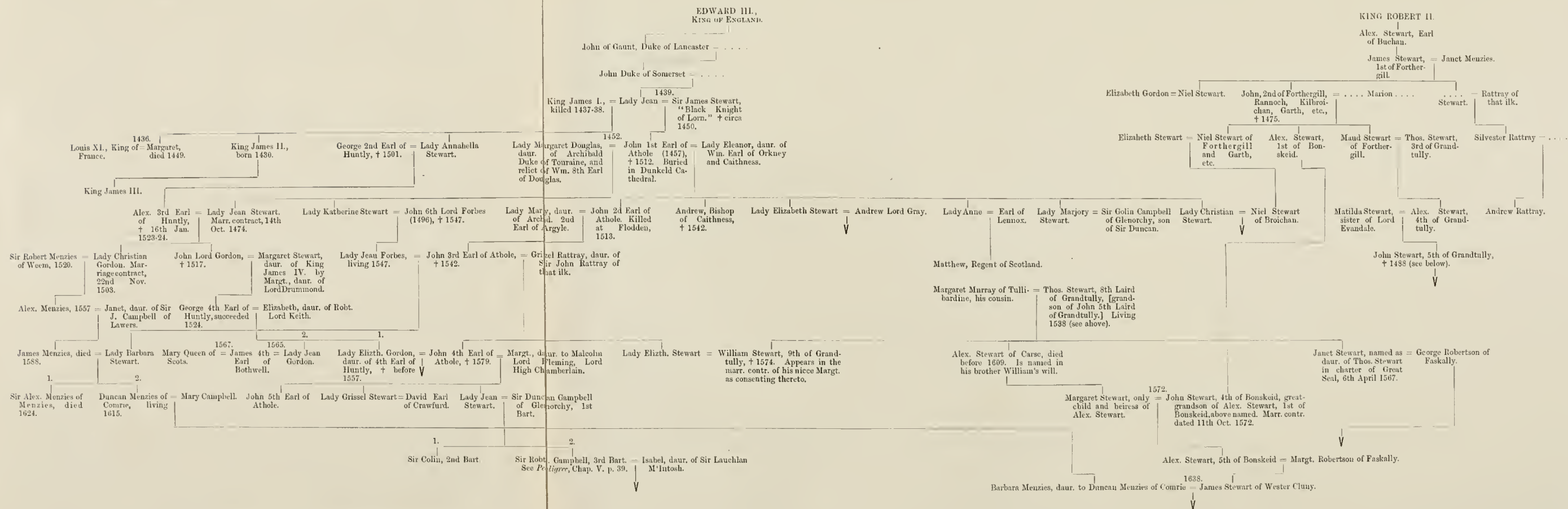
John, *Earl* of *Athole*, became surety for *Niel*, who, as we have shown, was his brother-in-law; *Alexander*, *Lord Gordon*, became "pleg" for *Malcolm* and *John*, *Niel's* brothers; and *Robert Menzies* of *Ennaeh* for his brother, *John the Menzies*.

This feud seems in fact to have included, in one way or another, most of the principal families around, and *Niel's* uncle, *James Stewart*, also obtained decisions of the *Council*

¹ See *facsimile*, No. 4, with translation, p. 74 of Appendix.

² These lands of *Brochan*, or *Killiebrochan*, are a portion of the *Bonskeid* property.

INTERMARRIAGES OF ATHOLE, HUNTLY, MENZIES, CAMPBELL, AND STEWART.



against Alexander (brother of "umquhile Tho^s Stewart of Grandtully"), and his spouse, Agnes Murray, for wrongful seizure of his lands.

The flame which the Lords of the Council had done their best to stifle now broke out with redoubled fury, and culminated in a disastrous raid by Niel Stewart and a numerous body of his armed partisans on the property of The Menzies, in September 1502. Robert Menzies' fine castle of Weem was wasted and burnt to the ground, with most of its contents—charters, arms of every sort, harness, culverins, bucklers, steel helmets, and household goods all perishing in the conflagration, while the lands and cattle were irretrievably harried and devastated.

This terrible attack seems to have made a lasting impression in the county; for it is constantly alluded to in its various annals, and its date is thus noted in the "Chronicles of Forthergill"—"Combustus fuit Weym per Nigellum Stuart de Gart, A^o Dⁱ 1502, in mense Septembris;" and in almost the same words in the Dean of Lismore's Chronicle.

In addition to his losses, Robert Menzies seems to have been captured, and to have had extorted from him by Niel, "at the Chapel of the Melyn," a deed of indemnity, freeing the latter from all claim for the damage and ruin he had inflicted on Menzies; but though put in as evidence before the Council by Niel in the action brought against him (1504) by Robert as soon as he had regained his freedom, yet the "Lordis repellit and deermit it of nane avale, becaus they understude that he was nocht at full liberte, as was requirit of the law, quhen he maid the said discharge, but was in danger of the said Niel and his compeies, and the place quhare the said discharge was maid was within the boundis quhare the said Nele and his compeies mycht haif done harme to the said Robert."

This was on 14th March 1504, and on the following day a long and important decree was issued against Niel, his first cousin, Robert of Bonskeid (of whom we shall treat in the next chapter), Robert Stewart of Grandtully, his kinsman, and several others, assessing the amounts to be paid by them to Robert Menzies for the grievous losses he had sustained.

Niel seems to have disregarded every summons to appear in person before the Council, though he did so by his "procurator," and notwithstanding these exploits, even while this process was pending, had sufficient weight and interest to obtain the charter we have already alluded to above, by which King James IV. grants certain lands to him and his wife, Lady Christine Stewart. This would show that such acts were looked on lightly, and rather as duels were in our early days, than as rendering the actors therein outlaws and rebels.

Whether Niel and his first cousin, Robert of Bonskeid, satisfied the heavy amounts assessed against them is not shown, but it is evident that to do so they had to forfeit some portion of their estates; for we find that Niel's kinsman, Andrew, Lord Gray, makes considerable difficulties in admitting Robert Menzies to hold the lands of *Bonskeid and Borenich*, which we know formed a portion of the ancestral territory of Niel I., and passed to his next brother, Alexander.

Repeated references are found respecting these transfers of lands, which shall be referred to more particularly when we treat of Robert Stewart in the next chapter. And

it seems pretty clear that Niel II. had to pay severely for his raid on Weem, as in the Register of the Great Seal (Lib. xiv., No. 206) there is a charter by King James IV. to "Alex^r, Earl of Huntlie, of the lands and barony of Forthirgill, with the castle and fortalice of Garth; also the lands of Pitdorny, Tullochcarron, and Dalnagarn, in the shire of Perth; which lands, barony, castle, &c., belonged to Niel Stewart, son and heir of the late Niel Stewart of Forthergill, in heritage, and which the said Niel Stewart, younger, resigned into the King's hands at Edinburgh." This was on 25th March 1505, three years after the raid; but as the Earl of Huntlie was married to Lady Jean Stewart, half-sister of Niel Stewart's wife, it is not improbable that the transaction was a mere form to prevent The Menzies getting the property as compensation for his losses, and that the law did not scrutinise the transaction too closely, owing to the powerful interest exerted for Niel "the Red."¹

The burning of Weem Castle by Niel II. in 1502 was one of those lawless acts not unfrequent at that time, and for which many a parallel could be given.

We cannot now account for it, except on the supposition found in some histories, that a claim had been made by Robert Menzies of Weem to lands possessed by Niel, and acquired by him through his great-grandmother, Janet Menzies, heiress of Forthergill, and which Robert believed ought, after her father's death, to have descended to him as heir-male of John de Meyners (uncle of Janet).

No legal evidence of this has, however, been discovered, and it is highly probable that all such evidence purposely perished in the conflagration of Weem, and that its destruction was a great incentive to the raid on that castle.

It is, however, hardly likely that Niel Stewart, a son-in-law of the first and brother-in-law of the second Earl of Athole, and whose wife was niece of King James II., and himself a man of position in his own right, would have made such an annihilation of the stronghold and property of his neighbour and kinsman as to sack and burn everything ruthlessly, had he not received grievous provocation from "The Menzies."

Indeed, it would be unfair for us now to judge, from our present standard of right and wrong, of such acts committed four centuries ago—acts so eminently characteristic of the state of society at that time—a time when law was neither impartial, nor respected, nor enforced, unless perhaps by the strongest.

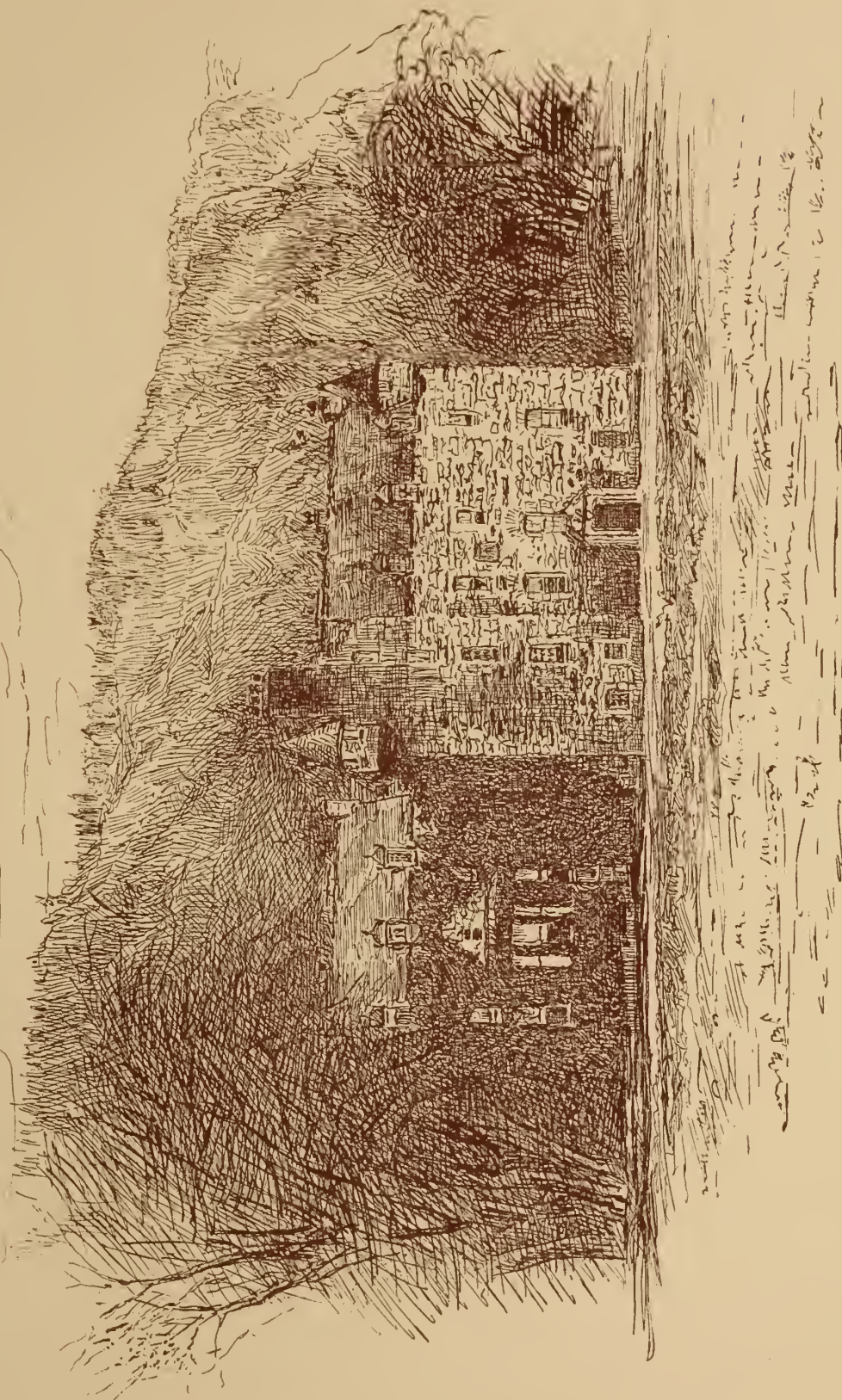
The decree, given at length in the Appendix (p. 86), is a most interesting document, and gives details of many of the personal articles destroyed.

The Weem Castle he destroyed was not on the same site as the present fine castle of Sir Robert Menzies, but two hundred yards westwards, and farther up the hill. No trace of it remains now.

The present Castle was founded 1571, and completed by James Menzies, a stone in the south-west wing giving the initials of

J. M. — B. S.

¹ Niel's sister-in-law, Lady Ann Stewart, was married to the Earl of Lennox, and their son Matthew became Regent of Scotland.



MENZIES CASTLE, PERTHSHIRE
THE SEAT OF SIR R MENZIES, BART^T

for James Menzies and Barbara Stewart, daughter of John, third Earl of Athole, nephew to Niel Stewart II. This James was father of Duncan Menzies of Comrie (his second son), who again was father of Barbara Menzies, married in 1638 to James Stewart of Wester Cluny, and referred to hereafter.

"The Red" Niel's first wife, Christian, died, as we have shown, in 1538; he then married Mariota, daughter of Donyll M'Quein, who came to a mysterious end, being killed in the torrent which we described as protecting Garth Castle on two sides of its delta-shaped ground. This occurred on 16th August 1545, and she was buried in Forthergill.

Whether she was the victim of malice or accident is uncertain, but the following is the entry in the "Chronicle of Forthergill:"

"Obitus sive interfectio Mariote Neyn Donyll V^cQuein sponsse Nigelli Stuart de Gart que fuit necata per Alexandrum Stuart in torrente sub castro de Gart necligenter per ictum lapidis xvi. die Augusti A^o Dⁱ MV^oXLV. et sepulta in Fortyrgill."

Her father, Donald MacQuhene, seems to have been a person of position, for his death is also recorded in the "Chronicle of the Dean of Lismore"—

"1498, Apr. 23: Obitus Donaldi M^cQuhene apud Fothergill xxij Aprilis anno 1^mcccc^{mo} nona gesimo viij."

All the documents referred to as relating to Niel II. will be found in the Appendix, pages 79-93.

Niel, like a brave man, survived all his troubles, whether of battle or law, and closed a turbulent life in 1554, leaving two children:—

John Stewart, who succeeded him:

Marie Stewart, who succeeded her brother in his lands.

John Stewart, fourth Laird of Forthergill, was served heir to his father, Nigel II. (third Laird), in the lands of Kilbrochan, &c., on 29th November 1554.

He was apparently the last male possessor of Garth, and died without issue in 1577; for his sister *Marie* was served heir to her brother and father on 29th July of that year. (*Vide* Appendix, pp. 97-101.)

Marie appears to have had some difficulty in getting herself entered as heir to her brother John, her claim being contested by John Stewart of Bonskeid, son of James Stewart, third Laird of Bonskeid, which James was her second cousin, and whose line is treated of in the next chapter.

She, however, established her case, and obtained a decision of the Council in her favour, the deeds, still extant in the Bonskeid charter-chest, showing the various stages of the proceedings. (*Vide* Appendix, p. 100.)





CHAPTER IV.

THE lineage of Niel I., eldest son of John Stewart of Forthergill, having thus become extinct, we return to John's second son, Alexander, who, on 31st December 1474, received from his father a precept and charter of the lands of Killiebrochan or Bonskeid (as appears in a "Summons by Lord Gray," issued in 1604—*vide* Appendix, p. 109), and others, from his brother Niel I. on 27th June 1478.

This Alexander received a dispensation, which we find named thus—"Alex^r Stewart's Dispensation and his Wife's," in a long list of deeds, of which James Stewart of Fincastle acknowledges receipt in 1577. (*Vide* Appendix, p. 105.)

This may have been for difficulties in their marriage through consanguinity; but the document has not yet been discovered, nor is Alexander's name found in Father Theiner's valuable "*Vetera Monumenta*."

This Alexander, first Laird of Bonskeid, dying in 1501, was succeeded by his son Robert Stewart, who, as shown by the "Summons" already referred to, on 19th May of that year, received a sasine of the Bonskeid lands ("as heir to his father Alexander") on a precept by his first cousin, "The Red Niel," of Forthergill and Garth Castle.

We have seen already that Robert took an active share in the destruction of Weem Castle by his cousin, and was heavily mulcted in consequence; indeed, in the charter-room of Lord Gray there are deeds which show that Sir Robert Menzies, with the aid of the Lords of Council, endeavoured to wrest the lands of Monrannych and Monskeid (*viz.*, Borenich and Bonskeid) from Robert, though not till "Letters under the Signet of King James V." had been obtained for the enforcing of the decrees.

This was on 14th September 1530, when the litigation had already extended over twenty-eight years. Nor have we indeed found that Menzies ever actually obtained the lands after all!

Abstracts of the deeds connected with all these circumstances will be found in the Appendix, pages 87-89.

In Lord Gray's charter-room are several deeds, about ten in number, relating to the legal steps taken by Sir Robert Menzies against Lord Gray, to cause him to receive Sir Robert as rightful holder of the lands of which he had tried to dispossess Robert Stewart of Bonskeid, as compensation for the latter's share in the burning of Weem Castle.

These deeds extend from 1508 to 1530, and it is clear from them that he was much

harassed by Menzies. Andrew, Lord Gray, however, upheld Stewart, for Lord Gray's wife, Lady Elizabeth Stewart, was sister to Lady Christian Stewart, wife of Niel Stewart, first cousin to Robert of Bonskeid.

Both the cousins seem to have been hard pressed by Menzies and the law ; and we find that in March 1505 the Earl of Huntly takes over his kinsman Niel's estates of Forthergill and Garth, and Lord Gray sheltered Robert to the best of his ability, the Bonskeid lands never having been diverted from Robert or his descendants. Probably the transfers were fictitious, and only forms gone through to evade the penalties incurred by the cousins, and not too strictly inquired into, owing to their powerful interest and connections.

The following are the charters referred to :—

EXCERPTS from INVENTORY of MUNIMENTS belonging to LORD GRAY of Gray.

Vol. III.—Comprehending Writs of Lands belonging to LORDS GRAY, but now sold.

BUNDLE LVI.

MONTSKEID, IN THE CO. OF PERTH.

494. Precept of Sasine, directed by Andrew, Lord Gray, to his Baillie, for infefting Sir Rob^t Menzies, Kn^t, of that Ilk, in the lands of Montskeid and Montranniche, &c. &c., in the shire of Perth.—Dated at Fowlis, 5th Aug^t 1508.
495. Letters of Charge by K. Ja^s IV. at the instance of Rob^t Menzies of that Ilk, Kn^t, agst Andrew, Lord Gray, charging the latter to receive the said Sir Rob^t as his tenant of the lands of Monskyd and Montrannith, and to warrant and defend him in the possession thereof, in terms of the letters of apprysing led thereupon.—Given under the Signet at Edinburgh 26th Feb^r 1512.
496. Decreet of the Lords of Council anent the summons at the instance of the said Robert Menzies agst Andrew, Lord Gray, as superior, and *Robert Stewart* and Alex^r Donaldson, occupiers of the said lands of Monskyd and Monrannith, decerning the said Lord Gray to receive of the said Sir Rob^t as his tenant, and continuing the summons agst the said occupiers.—Dated 22nd Feb^r 1512.
497. Letters of the Lords of Council continuing the summons at the instance of the said Rob^t Menzies agst the said Andrew, Lord Gray, Alex^r Donaldson, and Rob^t Stewart, for the causes mentioned in the foregoing decret, till 20th Feb^r next.—Dated at Edinburgh 9th Dec^r 1512.
498. Precept of Sasine by the said Andrew, Lord Gray, to his Bailies, for infefting the said Sir Rob^t Menzies in the said lands of Monsketh and Monrannyth, in the barony of Forgund and shire of Perth, which lands belonged hereditarily to Rob^t Stewart, and had been apprysed to the said Sir Rob^t Menzies, Kn^t, for a certain sum of money.—Dated at Perth 29th March 1513.
499. Discharge by the said Sir Rob^t Menzies to the said Andrew, Lord Gray, for the sum of 100 merks Scots, for the resignation by the said Rob^t in the hands of the said Lord, as superior thereof, of the said lands of Monsked and Monrannyth.—Dated at Perth 30th March 1513.
500. Instrument of Double Sasine proceeding on precepts from Andrew, Lord Gray, and from the Chancery of K. James IV., in favour of the said Sir Rob^t Menzies, of the said lands of Monsked and Monrannyth.—Dated 30th March 1513.

501. Procuratory by the said Sir Robert Menzies appointing procurators for resigning the said lands of Mousked and Mourannyth in the hands of *Patrick*, Lord Gray, superior thereof, to remain with him and his heirs.—Dated at Perth 7th Aug^t 1515.
502. Apprissing of the said lands of Monsked and Wester-Bowranny (which were wedset by Niel Stewart to Robert Stewart for 340 merks) in favour of Robert Menzies of that Ilk, Kn^t, for part of payment of a large sum due to the latter by the said Rob^t Stewart, which lands were held by the said Niel Stewart in blench farm for payment of a penny Scots.—Dated at Perth 30th October 1518.
503. Letters under the Signet of King James V. charging Andrew, Lord Gray, to receive the said Robert Menzies of that Ilk, Kn^t, as his tenant of the said lands of Monrannych and Mon-sked, and to infest him heritably therein.—Dated at Edinburgh 14th Sep^r 1530.

Robert, second Laird of Bonskeid, died 1546, and was succeeded by his son, *James*, third Laird of Bonskeid. He received a precept of "clare constat" from Niel Stewart of Forthergill (his father's first cousin), as son and heir to the late (umquhile) Robert Stewart, of the lands of Bonskeid and Bonrannoch. This is dated 7th July 1546.

James married first a daughter of Dougal Robertson of Faskally, but seems to have been unlucky in his selection of a consort, for we find mention of a "sentence of divorcement betwix' James Stewart and Dougal M'Robert's daughter;" and she is also named as "Faskally's dochtir."

This James, third Laird of Bonskeid, married, secondly, Janet, daughter of James Stewart of Fincastle, who is styled his "sponsa moderna," and had two children—*John*, who succeeded him, and *Isabel*, who, on 22nd April 1580, signs a "discharge of tocher" on her approaching marriage with Angus M'Ane Woir M'Condoquhy.

Their marriage-contract bears date 10th April 1580; both deeds bear the signatures of Isabel and Angus, and of her father, James, respectively, with the curious attestation, "with our handis led on the pen be Schir Walter Robertoun, notar." (Appendix, p. 107.)

James Stewart died 16th October 1565, as shown by his will, proved 28th January 1567 (*vide* Appendix, p. 101), under which he appoints William Stewart of Grandtully curator, and Alexander Stewart of Carse (brother of this William) guardian of his children.

John Stewart, fourth Laird of Bonskeid, succeeded his father, James, as a minor. He received, on 12th June 1563, from John Stewart of Bonrannoch (last male possessor of Garth Castle), a charter of the lands of Bonskeid (or Killiebrochan), &c., as being "lauchfull sone to the said umquhile James Stewart of Bonskeid, . . . and the said Janet Stewart, his spous," on resignation of these properties by his father.

During John's minority, Alexander Stewart of Carse (in Appin of Dull, tutor of Grandtully) was appointed his guardian by his father's will. This Alexander was second son of Thomas Stewart, eighth Laird of Grandtully, by Margaret, his wife, daughter of William Murray of Tullibardine, and was succeeded in his Carse estate by his nephew, Thomas, tenth Laird of Grandtully, who was served as his heir-male.

John Stewart married Alexander's only child, Margaret, and the marriage-contract is



GRANDTULLY CASTLE, PERTHSHIRE

dated Perth, 11th October 1572, to which the Earl of Athole and William Stewart, ninth Laird of Grandtully, are consenting parties. (*See Appendix, p. 103.*)

John Stewart unhappily fell a victim to the troubles of that day, being murdered, together with one of his attendants, in December 1605, between Dunkeld and Athole, by a marauding party under Allaster Stewart M'Gilliechallum of Tenandrie, who, however, was executed at the Market Cross of Edinburgh, in accordance with the sentence passed on him on 27th January 1607. *Vide Appendix, p. 117*, where are given the Royal proclamation against them and those who harbour them, the trial and sentence of M'Gilliechallum, &c. &c. ; also a writ from the Lords of Council, by which, on 17th July 1605, John Stewart (fourth of Bonskeid), with his sons, Alexander and John, and others, had to enter into sureties not to molest one Alester Robertson of Callwain (or Calmein) ; who, however, seems to have amply deserved their "deadlie heitreint, invy, and malice," for his name is amongst those indicted in the proclamation of May 1606 for harbouring the murderers of John, his servant, and his son, and repeatedly supplying them with necessaries, &c.

John Stewart left two sons :—

(1.) *Alexander*, who succeeded him.

(2.) *John*, who was assassinated at Easter 1606 by the marauding party which had the previous year murdered his father.

Alexander Stewart, fifth Laird of Bonskeid, received from Patrick, Master of Gray, a precept of *clare constat* in his favour as heir to his father, John, in his lands, dated 13th April 1607, the sasine issued thereon bearing date of 1st June following.

He had the narrowest escape from being assassinated at the same time as his younger brother John ; for the deliberations of the Lords of Council of 5th May 1606 state that the murderers "layat awaitt to have slane and mordreist the said Alex^r Stewart and his brether, and in end haveing thair purpois, as they thoct, reddy for the executioun, and coming quhair the said Alexander and his said brether wes for the tyme, resolved to have prosecuted thair detestable and barbarous resolutioun. Thay maist cruellie and feirsle sett upoun him, invadit, and persewit him and his said brether of thair lyves, and cruellie and vnmercifullie slew the said umquhile Johnne, brother to the said Alexander, and the said Duncan M'Candebeg, his servant, and had no faillit to have slane himselff, wer not be the providence of God he verie narrowlie eschaped. . . ."

He married Margaret, daughter of George Robertson of Faskally, who is named as "Lyferenter of Bonskeid," in a receipt given on 26th November 1629 by Mr. John Cunison, minister of the parish of Dowll. (*Vide Appendix, p. 133.*)

This *Margaret* is also mentioned by General David Stewart in his "Sketches of the Highlanders," vol. ii., Appendix XXIX. : "There is a manuscript volume, preserved in the family of Stewart of Urrard, of 260 pages, of poems, songs, and short tracts in the Scottish language, written, as is stated on the first page, by Margaret Robertson of Faskally, and wife of Alexander Stewart of Bonskeid, dated 1643 ; it is written in a beautiful hand, and with such correctness that it might be sent to the press."

This document is now (1879) in the possession of Sir J. Stewart Richardson of Pitfour, Bart., whose mother was a Miss Alston Stewart, one of the representatives of the Urrard Stewarts, now extinct in the male line. The quaint title referred to is as follows :—

“ MARGARAT ROTSOUNE,
WITH MY HAND,
1630.”

“ This buik perteenes to a verie honourable womane,
MARGARAT ROBERTSOUNE,
Relict of umq^{ll} ALEXANDER STEUART, of Bonskeid.
Anno Domini
1630.”

These murders were not uncommon even a century later, as may be seen by “ Lady Nairne’s Life and Songs.” According to a curious Highland superstition, the murderer who could contrive to see sun and sky under the body of his victim was sure to escape the penalty of his crime ; and many instances are given of the perpetrator concealing himself under a bridge or in the brushwood near the scene of slaughter, and, with his ear to the earth, managing to see sun and sky under the blood-stained plaid which enfolded the lifeless corpse, then escaping in safety, and in some cases even returning home eventually, and there remaining unmolested.

Alexander Stewart, fifth Laird of Bonskeid, left by his wife, Margaret Robertson of Faskally, two sons, viz. :—

- (1.) *John* Stewart, who succeeded to the Bonskeid estates as sixth Laird, and whose male descendants became extinct on the death of *Alexander* Stewart, last of Bonskeid, who married Miss Bisset, and died without surviving male issue.¹ (*Vide* “ Lady Nairne’s Life and Songs.”)

He was succeeded by his only daughter, *Margaret*, who married Glas Sandeman, Esquire, of Springland, Perth, and whose daughter married George Barbour, Esquire, now of Bonskeid.

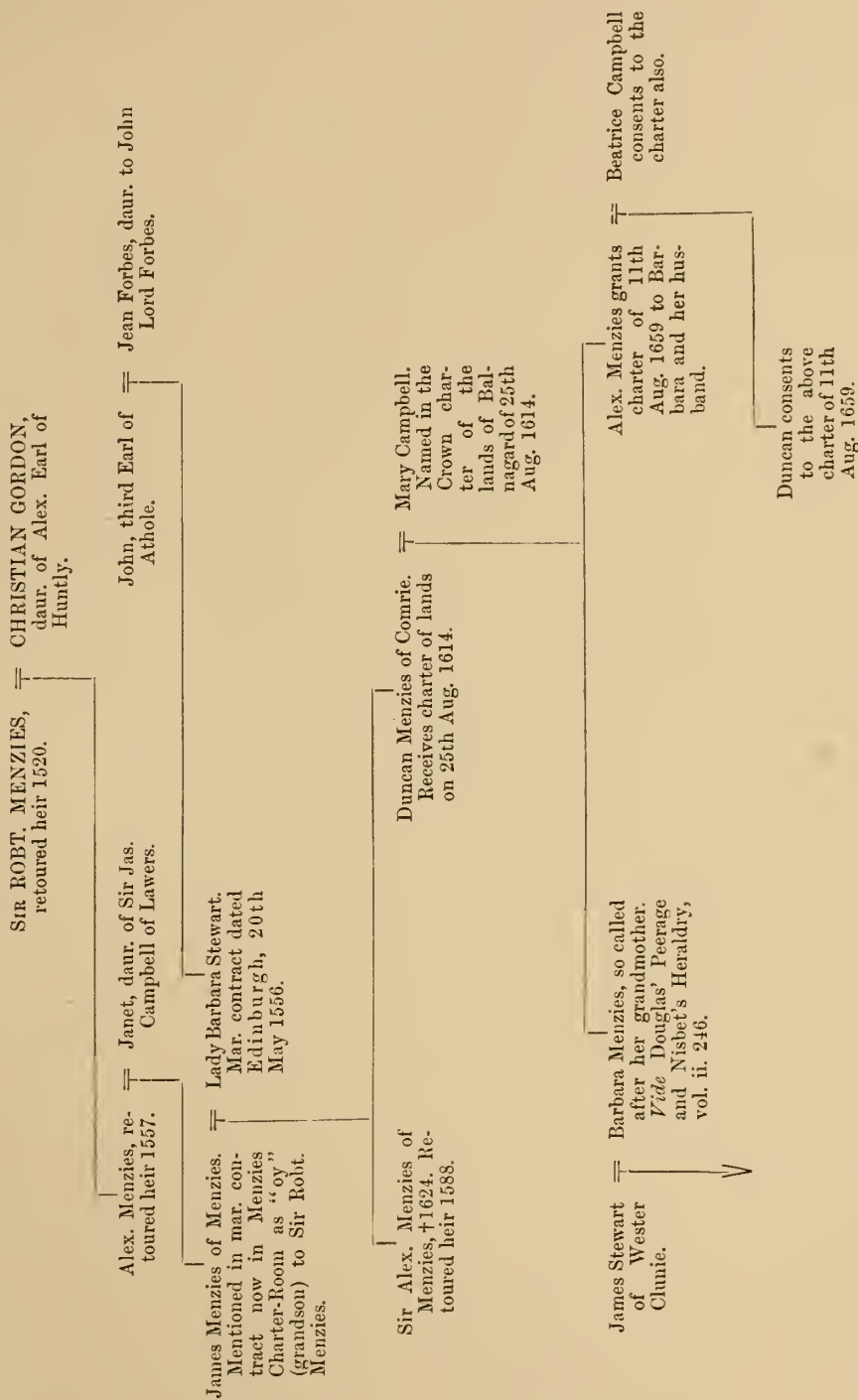
- (2.) *James* Stewart, of Wester Clunie.

We find that James obtained a charter in his favour (by Alexander of Bonskeid, his father) of the lands of Wester Clunie on 29th May 1625, and a sasine of them two days later, registered 24th June 1625 ; as also another, as fiar of Wester Clunie, of a portion of Gavell Moir, on 16th November 1633, registered on 8th January 1634.

He is also mentioned in the Valuation Roll of 1649-50 for Moulin parish, as “ of Wester Cluny, parish of Mulzoing.”

¹ His father, Alexander Stewart of Bonskeid, married for his second wife Marjory, daughter of Lawrence Oliphant of Gask, by his wife Margaret, daughter of Duncan Robertson of Struan, and second cousin of Alexander Robertson of Struan, the Jacobite chieftain and poet, who married Mary, daughter of the second Lord Nairn, fourth son of John, first Marquis of Athole, and Lady Amelia Stanley, daughter of the seventh Earl of Derby.

MENZIES OF COMRIE.



James Stewart, on 15th August 1638, married *Barbara*, daughter of Duncan Menzies of Comrie,¹ by Mary Campbell, his wife, both of whom are named in a charter which Duncan obtained on 16th December 1615 from William, Earl of Tulliebardine, to himself and his wife, of certain lands of Garth and Forthergill.

This same Duncan we find named in another charter thus described in the "Index of Charters" in the Signet Library :—

"MENZIES DE COMRIES.

"Carta Duncano et Mariæ Campbell ejus sponsæ, Terrarum de Balnagard, &c., Perth, 25 Aug^t 1614:" and the pedigree annexed shows his immediate descent.

In 1650, Duncan's son, Alexander Menzies of Comries, is found in Gloag's Valuation Roll of Perthshire as holder of the lands "of Comries, Kilmorich, Roro, Balnagaird, and other lands, in the parishes of Fortingall, Dull, Dowallie, Little Dunkeld," &c. And in August 1659, Alexander Menzies of Comries grants a charter of the lands of Balnagaird to James Stewart of Wester Clunie, and Barbara Menzies, his spouse, with consent of Duncan, son of Alexander and Beatrice Campbell, wife of the said Alexander Menzies.

James Stewart and Barbara Menzies had five sons, respecting whom the following entry is still extant in the family Bible, now in possession of J. Stewart-Robertson of Edradynate, whose father, James, was great-great-grandson to the above James and Barbara :—

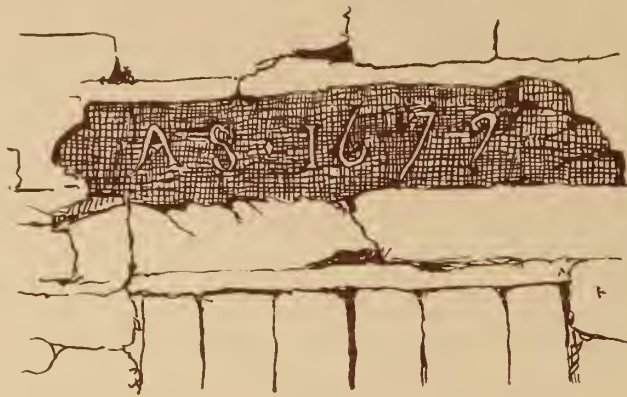
"The age of James Stewart of Wester Cluny his children, procreat betwixt himself and Barbara Menzies, lawful daughter to Duncan Menzies of Comrie, who was married the 18th day of August 1638:—

- (1.) *Alexander* [their eldest son] was born the 24th day of June 1639.
Beatrice.
- (2.) *John* was born the 30th day of June 1643.
Doratie.
- (3.) *James* was born the 8th Feb^y 1647.
- (4.) *William* was born the 14th Feb^y 1648.
Janet.
- (5.) *Robert*, and *Margaret*, was born, being twins, the 1st day of May 1650."

Alexander Stewart, the eldest son of James, is granted a sasine by his father of the lands of Wester Clunie on 3rd and 22nd July 1667 ; and on 12th July 1673, John, Earl of Athole, confirms this transfer.

Alexander married Isabel, daughter of John Stewart of Balnakellie, whose name appears with that of her husband, Alexander, on a tablet in St. Nicholas' Church, Carrickfergus, a copy of which will be found further on. We also find her named in a sasine of

¹ This Duncan was brother to Alexander Menzies of that Ilk, as shown by Regis. Mag. Sigilli, Lib. 50, No. 58, where Alexander styles Duncan his brother-german in Crown charter of 2nd August 1622, confirming a charter of 23rd July 1601. (See Appendix, p. 122.)



INSCRIPTIONS RELATING TO ALEXANDER & ISABELLA STEWART,
AT WESTER CLUNY.

23rd January 1710, by which Alexander gives over certain lands to their son James, reserving his own liferent and that of Isabel Stewart, his wife. (*Vide* Appendix, p. 136.)

Their children were—

- (1.) *James*, of Wester Clunie, minister of Moulin. (For him and his descendants, see Chapter VI.)
- (2.) Captain *Alexander*¹ (stated by Duncan Stewart to be of Dundee), named as “brother-german to Rev. James Stewart, minister of Moulin,” in a settlement by Rev. Robert Stewart (now in Edradyne charter-chest). He left no issue apparently.
- (3.) *Charles*, who became an officer in the 5th Dragoons, and settled in Ireland. (For whose descendants see Chapter VII.)

On two large stones now in the wall of the old farmhouse of Wester Clunie may still be seen the following memorials of Alexander Stewart and Isabella Stewart of Balnakillie. On one stone are their respective initials, between a heart, as in the plate appended, while on the other are the initials A. S., with the date 1672.

In 1709 (July 21) Alexander grants a disposition of the lands of Cluny to his eldest son, James Stewart; and on 29th December 1712, also conveys to him the lands of Carnock, as disposed to him by John, Duke of Athole, on 19th December 1711.

By a recorded deed of assignment (now in the charter-chest of Edradyne) by Rev. Robert Stewart, we find that his brother, Alexander of Clunie, and James, son of Alexander, and then minister of Moulin, were granted, on 10th November 1702, a bond for 500 merks, but the deed itself is dated 12th October 1727, and mentions Alexander Stewart on the latter date as “deceased,” though alive in 1702.

¹ In that useful periodical, “The Genealogist” (vol. i. p. 172), there are some extracts given from a private “Register of Marriages, Funerals, &c., solemnized by Rev^d Tho^s Norris, Chaplain to the Forces, 1716,” in which is the following entry:—

“MARRIAGES AT OSTEND, 17 JAN^r 1716.

“W^m Atken, Esq^{re}, Lieut^t in the First Foreign Veteran Battⁿ, Bachelor, and Ann Stewart, dau^r of Alex^r Stewart, of the neighbourhood of Dundee, Spinster.”





CHAPTER V.

BEFORE proceeding to trace the line of James, eldest son of Alexander, we will follow out the line of the Reverend Robert Stewart (younger brother of this Alexander, second of Wester Clunie), as it is alone through him and his descendants that the connection with landed property in the district of Athole by the "Stewarts of Forthergill" has been maintained in the male line unbroken to the present time.

- (2.) The Reverend *Robert* Stewart was second surviving son of James Stewart of Wester Clunie, by his wife, Barbara Menzies. His family Bible (now in possession of his great-great-grandson and sole male representative, James Stewart-Robertson of Edradynate) contains the entry in the handwriting of Robert, the youngest son, which we have already given in the preceding chapter, page 30.

By this we see that Robert was born 1st May 1650. He was educated for holy orders at St. Andrews University, where he took the degree of M.A. on 23rd July 1672, and in 1679 was presented to the parish of Killin, Perthshire.

This is proved by an instrument of installation (now in the Edradynate charter-chest), dated Killin, 14th May 1679, signed by Donaldus Robertstone, notary public, and proceeding on "A letter of Collatione granted by William,¹ by y^e mercie of God, Lord Bishop of Dunkeld, within whose diocese the said kirk lyes, In favoures of y^e said Mr. Robert Stewart," and who therefrom continued minister of that parish till his death in 1729. (See Appendix, p. 139.)

Robert Stewart married, in 1683, Anna Campbell, daughter of Duncan Campbell of Edramuchy, a cadet of the Glenorchy Campbells, and whose estate was in the neighbour-

¹ From an interesting communication (for which we are indebted to the Reverend G. W. Sprott, the well-known church antiquary) we gather that this Bishop of Dunkeld was William Lindsay, of the Dowhill family, formerly minister of Auchterderna, and then of Perth, in 1668. He was appointed Bishop of Dunkeld on 7th May 1677, retaining, however, his charge at Perth for about eighteen months after his promotion, and dying in 1679. A notice of his Perth ministry may be found in Dr. Wilson's "Presbytery of Perth," which illustrates the survival of Presbytery under the Second Episcopacy. These bishops had a certain amount of jurisdiction from 1661 to 1688, particularly in ordinations and inductions. Re-ordination was not required, but all young men admitted to charges during this period were episcopally ordained. Kirk-sessions and presbyteries were kept up, but were dependent on the bishop, who in his turn was dependent on the State.

hood of Killin. This marriage is thus inserted in Robert's own handwriting in the family Bible :—" Mr. Robert Stewart and Anna Campbell were married by Mr. Alex^r Comrie,¹ at y^e Chapyle of Ffinlairge, y^e 23d of Januarii 1683." Then follows a list of their children.

In 1686 Robert purchased the estate of Pitcastle from his cousin Gilbert Stewart, with consent of Gilbert's mother, Dorothea, relict of John Stewart, sixth Laird of Bongskeid, and in 1706, from Steuart of Ballechin, the beautiful property of Killiechassie, both in Strathday.

In his will, dated 7th October 1727, made in favour of his wife, he thus refers to her :—" It is a duty incumbent on me to provide Agnes Campbell, my spouse, in such a share of my means and effects as will contribute to make her live comfortably after my death, she having been instrumental in making up the means and estate wherewith God has blessed us." He further directs her "to bestow the sum of 500 merks Scots money towards the building of the Chapell of Killiechassie, within the space of after my interment therein." In this "Settlement" he names "the Rev^d James Stewart, minister of Moulin, and Cap^t Alex^r Stewart, his brother-german," both of whom were his nephews, and *entreats* the latter especially "to be kind to his widow, Ann Campbell, to advise her in all her concerns," styling him his intimate and trusted friend.

He died about fifteen months after, on 2nd March 1729, and his body was gently borne, shoulder high, by his parishioners to Killiechassie, a distance of twenty-four miles, and interred in the chapel there, which has ever since continued to be the family burying-place of his descendants.

He was a man of great prudence, force, and decision of character, commanding in consequence the greatest respect throughout the district, and being also of more than average height and strength, was in every way a most worthy representative of his race. Indeed, amongst many family traditions still handed down respecting him, it is said that in the more troublous periods of his ministry he frequently conducted service with his broadsword (still preserved at Edradynate) by his side, ready for any emergency. This precaution would seem to have been highly needful, for on one occasion, when proceeding to perform the service in Strathfillan, the western part of his parish, he was suddenly attacked by M'Gregor, a noted freebooter of that powerful clan. After a short but exceedingly fierce struggle, the worthy ecclesiastic as usual prevailed, and caused M'Gregor to "lick the dust," warning him in future to measure his man before he made his attack.

In short, Robert Stewart, though his lot was cast in a stormy and difficult age, passed through life respected and honoured, and left a name which still lives in his district, while he at the same time bequeathed a good landed estate to each of his sons.

¹ Comrie was deprived or deposed for his Jacobitism. Both he and Robert seem to have been amongst the episcopally disposed clergy who were allowed to retain their parishes under Presbyterianism, without taking part in the government of the Church,—a point on which the presbytery records would shed light.

The differences in worship were trifling, and whole presbyteries who were episcopally inclined were indulged under the new system, provided they submitted to the change without active opposition.

Amongst many quaint relics which belonged to him, Mr. Stewart-Robertson now possesses a crystal charm, oval in shape, and set in silver, a faesimile of which is appended.

This charm was supposed to have remarkable properties. Water in which it had been dipped, if taken from a spot where the living and the dead had passed (viz., a bridge or ford), was considered an effectual cure for inflammatory diseases; and not more than forty years ago frequent were the applications for the use of this "charm:" these were always granted, the applicants coming long distances for the purpose. The crystal is said to have been originally found in the river Jordan; the belief in its virtues has now died out.

As before mentioned, Robert's sons had each a landed property left them. With respect to that of Killiechassie, he executed a deed of entail on 24th November 1727, recorded 10th November 1784, bequeathing the estate to each of his four sons successively, and to their heirs-male.

This, however, proved ineffectual against alienation by sale, as will be seen hereafter. The Rev. Robert Stewart left four sons:—

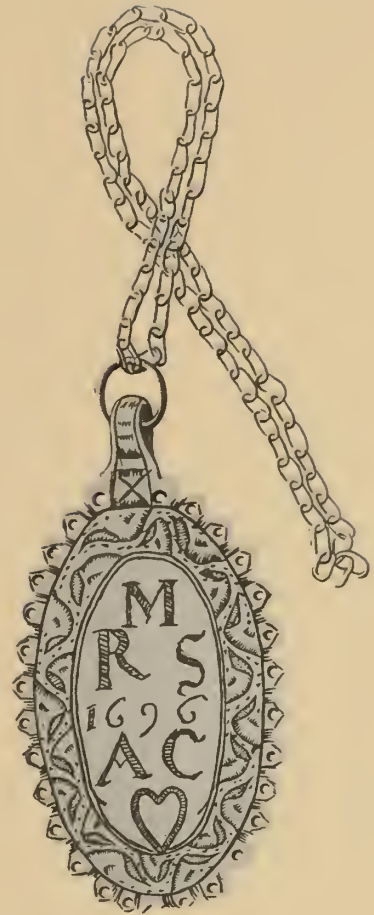
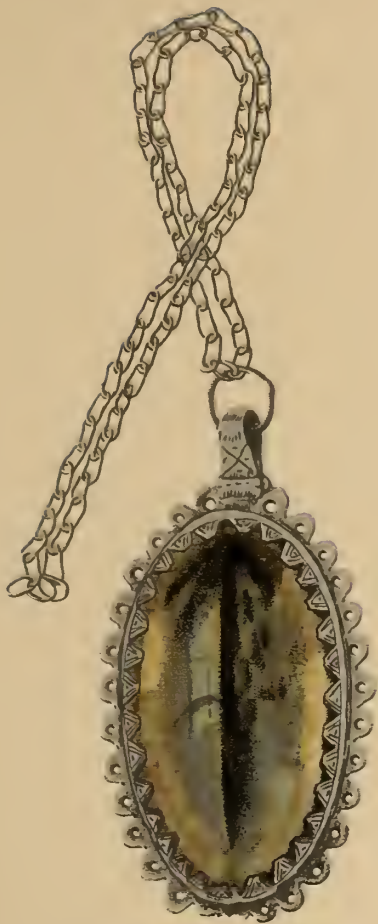
- (1.) *James*, of Killichassie.
- (2.) *Duncan*, of Blackhill.
- (3.) *Alexander*, of Cloichfoldich.
- (4.) *Robert*, of Dereulich.

1. *James*, the eldest son, was born 29th November 1683, at Edramuckie, and married in 1709 Vere Menzies, daughter of Captain James Menzies of Comrie, second son of Sir Alexander Menzies, first Baronet of Menzies. The marriage-contract, dated at Menzies Castle and Killin, 23rd and 24th days of November 1709, is now in Mr Stewart-Robertson's charter-chest at Edradynate.

James, guided by the example of his wife's family, refrained from joining in the Rebellion of 1715 in favour of the Stuarts. There is now preserved in the charter-chest at Edradynate a document (see Appendix, p. 140) dated Weem, 24th August 1715, and written by Robertson of Struan ("The Poet," as he was called), whose clan always sided with the Stuarts, greatly to their own eventual loss. This document is interesting as showing the pressure exerted by the Earl of Mar's officers against the friends and retainers of the Menzies family.

Another equally interesting paper in the same collection is a "Commission" or agreement with John, first Duke of Athole, regarding rights of personal service due to His Grace. (See Appendix, p. 140.)

It is signed by James Stewart of Killiechassie (during his father's lifetime), by his cousin James Stewart of Wester Cluny, Menzies of Culdares, Stewart of Urrard, and many other owners of territory in Athole, of which His Grace was superior; it shows that at that date (1717) those signing it were true to their chief, and had not at that time joined the Stuart cause, a feeling which, however, did not endure throughout the remaining romantic career of the Stuarts.



CHARM STONE

FOR MANY GENERATIONS IN THE POSSESSION OF THE
BRANCH OF THE FOTHERGILL STEWARTS REPRESENTED
BY JAMES STEWART-ROBERTSON OF EDRADYNATE

James Stewart died before his father Robert, viz., on 3rd May 1718, as shown by his will proved by his widow (Vere Menzies), and now amongst the Edradynate deeds.

Robert was in no way neglectful of the interests of his son's widow, for we find that he entered into an agreement with her renouncing various rights in her favour.

The deed (in possession of Mr. Stewart-Robertson of Edradynate) is dated "Menzies Castle, 6 Sep^r 1721," and is witnessed by the widow's father, Captain James Menzies of Comrie, Patrick Campbell of Monzie, and the Reverend James Stewart of Wester Clunie, minister of Moulin, and Robert's nephew.

James Stewart left three children, viz. :—

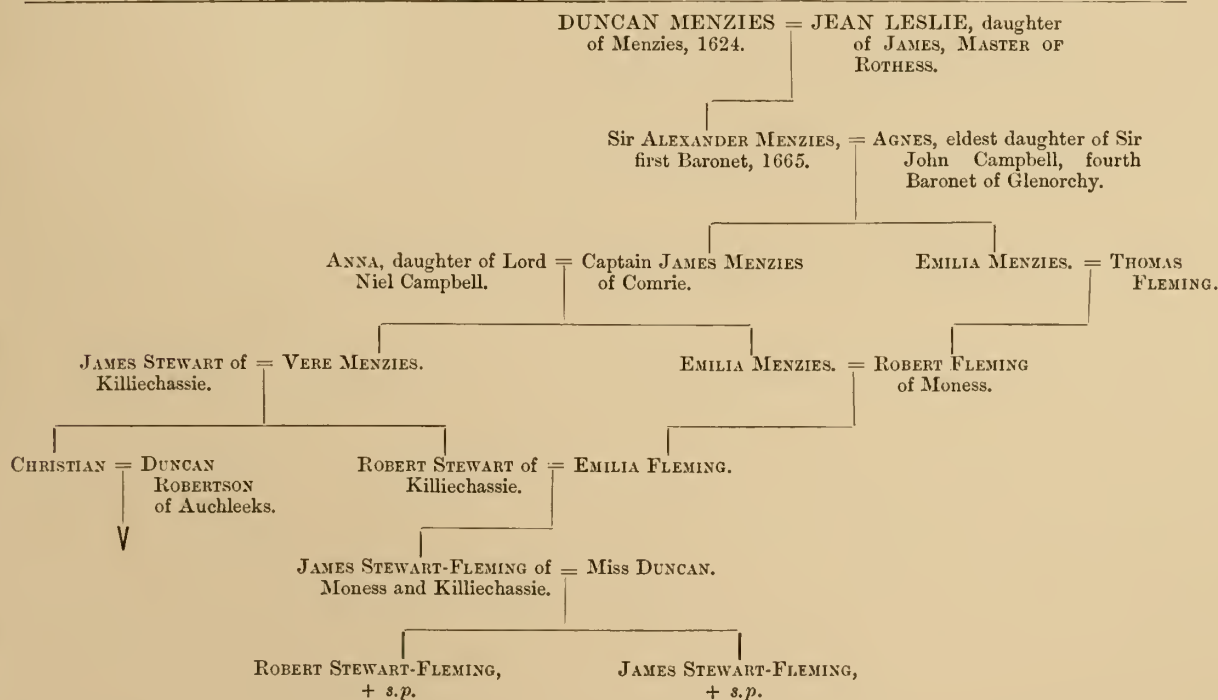
Robert (of whom presently).

Susan.

Christian, who married Duncan Robertson of Auchleeks, of the Struan family, and whose heir, the present *Edgar William Robertson* of Auchleeks, has been legally declared nearest descendant and lawful heir of his grandaunt, the said Christian Stewart.

This was done to enable him to make a title to the superiority of Moness held by the last possessor of Killiechassie, Robert Stewart-Fleming, named further on, and proves the failure of heirs-male to James after the death of his great-grandson, Robert Stewart-Fleming.

Robert, only son of James Stewart, by his wife Vere Menzies, joined the standard of Prince Charles in the '45 ; and after the sanguinary fight of Culloden, was in hiding for a



long period, and had many an escape from the Duke of Cumberland's "bloodhounds;" but his estate was not confiscated, owing, perhaps, to his relationship with the Menzies family.

Robert married *Emilia*, daughter and heiress of *Robert Fleming* of *Moness*, by his wife *Emilia*, younger daughter of *Captain James Menzies* of *Comrie*.

This *Robert Fleming* was eldest son of *Thomas Fleming* of *Moness*, by his wife *Emilia*, youngest daughter of *Sir Alexander Menzies*, first Baronet of *Menzies*, so that *Robert's* wife was his first cousin by a double connection.

The *Flemings* of *Moness*—a very ancient race—are now extinct.

Robert's wife, *Emilia*, succeeded to her paternal estate of *Moness*, which descended to their only son—

James Stewart, who assumed his mother's surname of *Fleming* from inheriting his maternal estate of *Moness*. He married *Miss Duncan* of *Tippermalloch*, by whom he had two sons—

(1.) *Robert Stewart-Fleming*, his successor.

(2.) *James Stewart-Fleming*, died before his brother, and left no male issue.

Robert Stewart-Fleming succeeded to his paternal estate of *Killiechassie* only, his father having sold *Moness* to the *Earl of Breadalbane*.

He married *Miss Herbert*, and having no family, sold *Killiechassie* to *Mr. H. Gordon*, reserving the burying-ground to the heirs of his ancestor, the Reverend *Robert Stewart*.

Thus the male line of *James*, eldest son of the Reverend *Robert Stewart*, became extinct.

2. We now return to the second son of the Reverend *Robert Stewart*, viz.—

Duncan, who was born at *Edramucky*, 21st March 1688. He married in 1726 (marriage-contract dated 2nd December 1726, now amongst the *Edradynate* deeds) *Mary Fergusson*, daughter of the Reverend *Adam Fergusson*, minister of *Logierait*, and formerly minister of *Crathie*, and father of the celebrated *Professor Adam Fergusson* of *Edinburgh*, the historian of the *Roman Republic*, who again was father of *Sir Adam Fergusson*, the intimate friend of *Sir Walter Scott*.

Duncan had three sons—

(1.) *Robert*, who died young.

(2.) *Adam*, who succeeded his father.

(3.) The Reverend *James*, Chaplain 42nd Royal Highlanders, and afterwards minister of the parish of *Dull*, *Perthshire*, who died 14th September 1768, unmarried.

Adam Stewart was born at *Blackhill*, 29th February 1732; obtained a commission in the 42nd Royal Highlanders on 24th July 1758, and served with his regiment in *America* and the *West Indies* till 1765, when he retired on the regiment returning home.

He married 24th October 1766 (marriage-contract same date), *Helen*, only daughter of *John Hepburn* of *Colquhalzie*, *Perthshire*.

He had several sons, who all died young and unmarried, and four daughters, viz. :—

- (1.) Mary, who succeeded to his estates of Blackhill and Cluny, born 24th November 1770, and died 1825, unmarried.
- (2.) Helen, born 14th March 1779, married her cousin, John Hepburn of Colquhalzie (only son of Thomas Hepburn of Colquhalzie), and succeeded her sister in 1825, and died without issue 21st April 1874.
- (3.) Ann, born 27th June 1781, and died unmarried September 1857.
- (4.) Dorothea, born 11th November 1782; married 18th March 1817 her second cousin, *James Stewart-Robertson* of *Edradynate*, leaving issue (of whom presently), and died 29th August 1864.

The male line of *Duncan*, second son of the Reverend Robert Stewart, thus became extinct.

3. *Alexander* of Cloichfoldich, third son of the Reverend Robert Stewart, was born at Killin the 29th November 1689.

He married Margaret Stewart, daughter of James Stewart of Urrard (marriage-contract dated 23rd July 1724), and had one son—

Robert, who married Susan, younger daughter of Robert Fleming of Moness, and sister of Emilia Fleming, married to Robert Stewart of Killiechassie, and had (besides daughters) three sons :—

- (1.) *Alexander* of Cloichfoldich.
- (2.) *Robert*.
- (3.) *Captain James*, R.N., who died unmarried 1806.

(1.) *Alexander Stewart*, Colonel of the 42nd Royal Highlanders, commanded that regiment at the battle of Alexandria. He was a distinguished officer, and, as a mark of the respect and appreciation of his native district, was presented with a handsome broadsword (now in possession of his niece), having the following inscription engraved on the hilt :—

“ From
The Athole Club to Lieut.-Col^l Alex^r Stewart of the 42^d or Royal Reg^t of
Highlanders, in testimony of their esteem for his gallant conduct in Egypt
on the 21 March 1801.”

He died unmarried, and was succeeded by his brother—

(2.) *Robert Stewart* of Cloichfoldich, who married Williehamina Maxwell, daughter of James Goodlet Campbell of Auchlyne, by his wife, only daughter of Hugh Logan of Logan. James Goodlet Campbell is called as an heir-substitute to the Breadalbane estates, under the deed of entail of John, third Earl of Breadalbane, dated 5th May 1755.

Robert left an only child—

Janet Williehamina Maxwell Campbell, widow of William Bowie Campbell, Writer to the Signet, of the Campbells of Glenfalloeh, and has no children. This lady has in her possession the Auchlyne Family Bible, with an inscrip-

tion therein showing it to have been presented to Duncan Campbell, first of Auchlyne, by his mother, Isabel M'Intosh, wife of Sir Robert Campbell, third Baronet of Glenorchy, hereafter mentioned.

Thus the *male* line of Alexander, third son of the Reverend Robert Stewart, is extinct, and we return to his fourth and youngest son.

4. *Robert* Stewart of Dereulich, born at Killin, 6th December 1704. He married (contract 24th April 1729), on 25th April 1729, Jean Campbell (born 1705), youngest daughter of Robert Campbell of Auchlyne, Perthshire, cousin-german of John, first Earl of Breadalbane, their fathers, Sir John Campbell of Glenorchy, and Duncan Campbell of Auchlyne, being brothers, viz., eldest and youngest sons of Sir Robert Campbell, third Baronet of Glenorchy.

Robert died on 22nd May 1767, and his wife, Jean, on 23rd February 1788. They had several sons, who all died young, and unmarried, except the eldest.

James Stewart of Dereulich, born there 30th October 1730. He married first (12th December 1755) his cousin Agnes, second daughter of Duncan Campbell of Auchlyne, marriage-contract dated 6th December 1755. She died 19th February 1777, without leaving male issue.*

James married, secondly, 11th December 1778 (contract 10th December), Margaret (born 1759), only daughter of Duncan Robertson of Edradynate,¹ descended from Alexander Robertson, fifth Laird of Struan.

James sold Dereulich in 1805, and died 2nd July 1806, his widow dying in March 1830.

With other sons (who all died unmarried), he left—

James Stewart-Robertson, the eldest survivor, born at Dereulich 14th March 1783, who inherited the property of his maternal uncle, James Robertson of

¹ Margaret's uncle, the Reverend George Robertson, M.A., of Aberdeen University (diploma 2nd March 1700; from George, Bishop of Aberdeen), was Episcopal clergyman in that district, and took an active part in the Stuart cause, and in favour of Episcopacy against Presbytery. He was warmly supported by William, Marquis of Tullibardine (who, it will be remembered, forfeited his birthright through his rebellious acts), by Viscount Stormont, George, Bishop of Aberdeen, Alexander, Bishop of Edinburgh, Robertson of Struan ("The Poet" already referred to), and many others. (Appendix, pp. 139, 140.)

He was therefore prohibited from conducting service in any building to more than six persons at a time. He, however, evaded this prohibition by having the six persons within doors, while the congregation was outside, he addressing them from the windows,—a large proportion of the Athole district then holding Episcopalian views.

This family of Robertson has a private burying-place in Logierait churchyard, in which an exceedingly interesting relic has recently been brought to light, and of which an account by that able antiquary, A. Anderson, Esq., M.D., C.B., F.S.A., of Pitlochry, was read at the meeting of the Society of Antiquaries of Scotland, 11th February 1878 (*vide* "Proceedings," vol. xii. p. 561). The relic is one of the very ancient sculptured stones, good examples of which may yet be seen at Dunfallandy and Struan in the same county. On the one side of this stone is a knight on horseback spearing a snake, across which is a sceptre, all in high relief. On the other is a large and remarkably fine cross, with the four bosses equally boldly delineated. The drawing appended, which is given by permission of the Society of Antiquaries, gives a very correct representation of this relic.

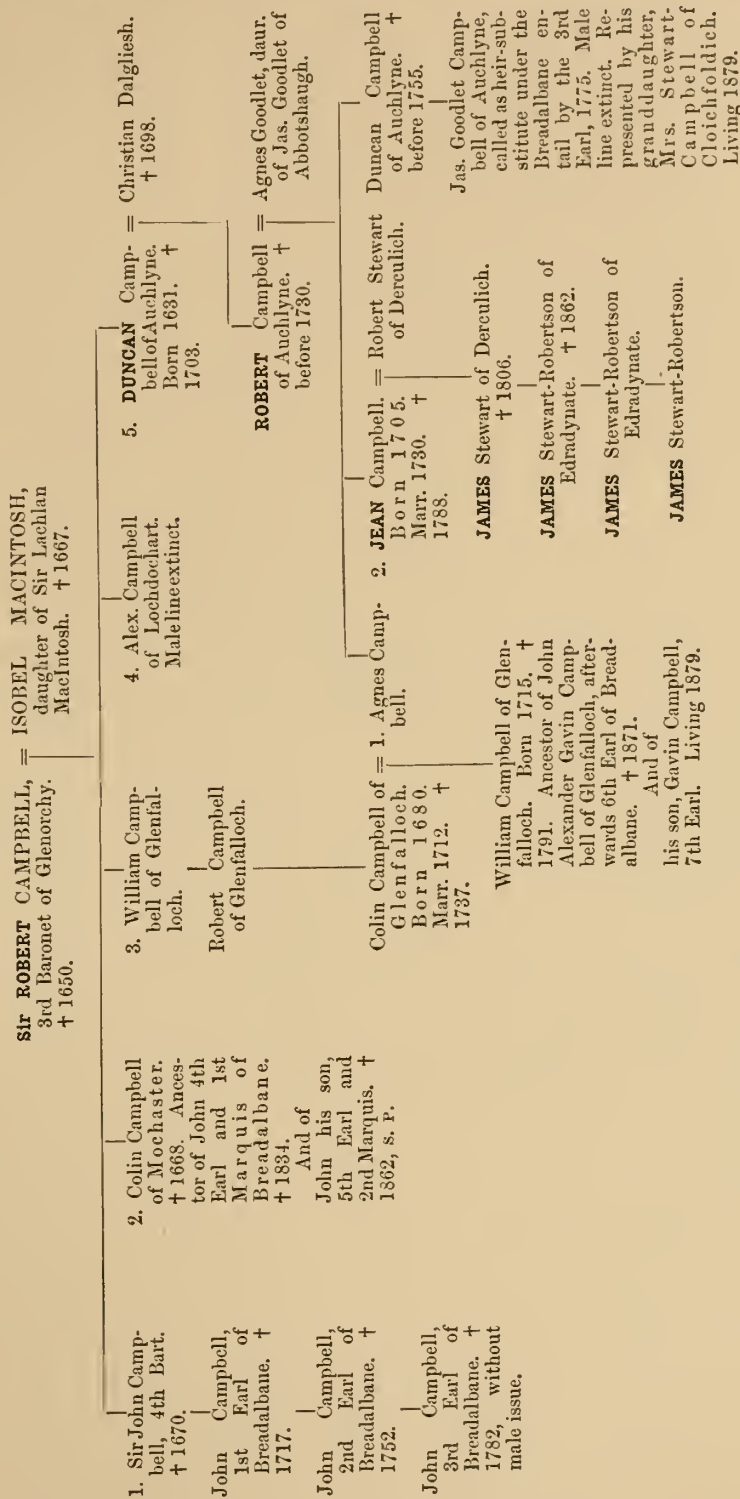


W. Galloway and Nat. Inst.

SCULPTURED STONE, LOGIERAIT.

(Continued from *Pedigree*, page 20.)

THE CAMPBELLS OF AUCHLYNE DESCENDED FROM THE CAMPBELLS OF GLENORCHY.



Edradynate (who died 1788), on condition of his assuming the surname of Robertson, which he accordingly did on coming of age in March 1804. Mr Stewart-Robertson, J.P. and D.L. for Perthshire, was captain in the Grenadier Company of the Royal Perthshire Militia from 1805 to 1814, when the regiment was disbanded owing to the Peace. On 18th March 1817 he married (contract dated 17th March 1817) his cousin Dorothea, born 1782, youngest daughter of Adam Stewart of Blackhill and Cluny, and died 10th June 1862—his widow died 29th August 1864—leaving an only son—

James Stewart-Robertson, now of Edradynate, a Magistrate and Deputy-Lieutenant for Perthshire, who, in 1874, on the death of his maternal aunt, Mrs Stewart-Hepburn, and as heir of entail under his grandfather Adam Stewart's deed of entail, succeeded to the estates of Cluny, Blackhill, &c. ; and by Mr Stewart-Hepburn's deed of entail (to whom he was nearest heir) the properties of Colquhalzie and Glenquey came to his family. In 1852 Mr Stewart-Robertson married Mary Jane Cunninghame (who died 1866), younger daughter of Robert Cunninghame of Ballanorris, &c., Isle of Man (male representative of the Cunninghames of Drumquhassell, as shown in the table appended¹), by whom he has, with daughters, an only son—

James Stewart-Robertson, J.P. for Perthshire, an officer in the Royal Perthshire Militia and Athole Highlanders.²

Thus we have proved the failure of all heirs-male—1st. To Niel, eldest son of John Stewart of Forthergill ; 2dly. To John Stewart, sixth Laird of Bonskeid.

The family was, however, continued by James, only brother of the above-mentioned John, sixth Laird of Bonskeid, viz., by his sons—

- (1.) *Alexander* of Wester Clunie, for whose only two representatives see Chapter VII.
- (2.) Reverend *Robert* of Killiechassie, whose male descendants, as we have shown, are all extinct, except the present Mr Stewart-Robertson of Edradynate and his son.

This gentleman therefore is now the only male representative of John Stewart of Forthergill (1455), holding landed property in Scotland, his predecessors ever since that period having all, from father to son successively, possessed estates in Athole, and thus preserved without a single break this important tie to their native district, a fact legally proved by the succession of documents referred to, and by Edradynate, which was possessed by John Stewart of Forthergill in 1465, being now in possession of his representative Mr. Stewart-Robertson.

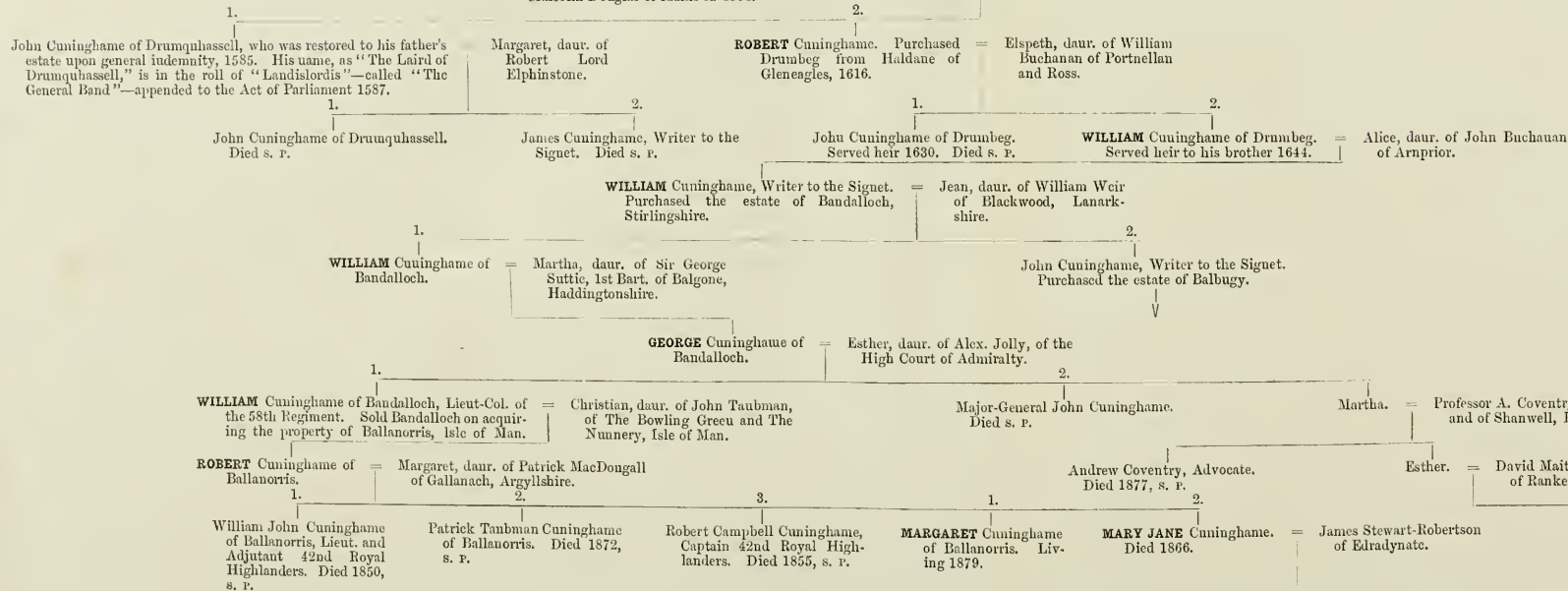
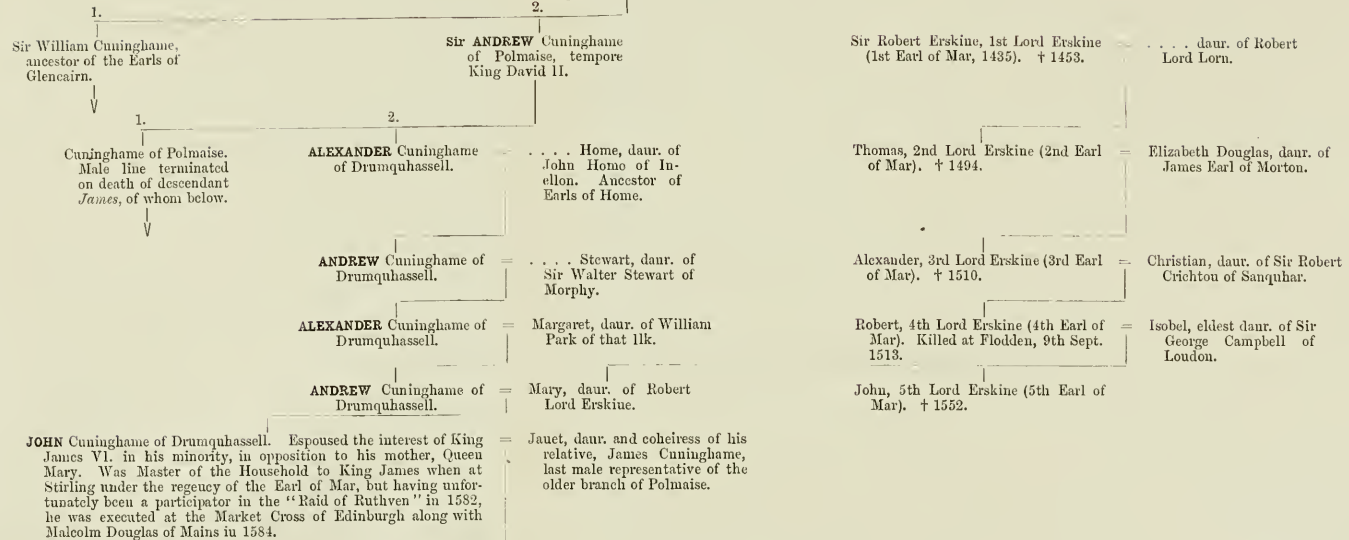
¹ Also "Nisbet's Heraldry," Vol. II., Appendix, p. 288.

² The muniments, title-deeds, &c., instructing the descent from James Stewart of Wester Clunie, and the Rev. Robert Stewart of Killiechassie, his son, are all in Mr. Stewart-Robertson's possession.

THE CUNINGHAMES OF POLMAISE, DRUMQUHASSELL, AND BANDALLOCH.

WARNEBALD DE CUNINGHAME of Kilmaurs,
1100. From whom descended, 10th in order of
succession.

Sir ROBERT de Cuninghame.
Charter by King Robert
the Bruce of lands of Lam-
broughton, 1319.



JAMES STEWART-ROBERTSON.

On this same estate of Edradynate are the remains of an old "Fortalice," still called Edradynate Castle, and the site, though of smaller extent, bears the same topographical characteristics as that of Garth Castle. There is a similar rocky ravine on the west, through which a large "burn" flows in a deeply cut channel, which renders access from that side impossible. On its other flanks it was protected by double ditches, still quite distinct, so that it was fully capable of resisting an attack from as numerous a party as was likely in that day to attempt its capture. The tradition in the district is that this castle also belonged to the "Wolf of Badenoch."

The title obtained from the Earl of Athole by John Stewart of Forthergill in 1465¹ (Appendix, p. 66), describes Edradynate as having previously been possessed by Silvester Rattrie, and we also find by the "*mortis causa*" deed executed by John in 1472 (Appendix, p. 70), and by other deeds, that Silvester Rattrie was son of John's sister. Most probably this estate was given her on her marriage, and had been in possession of the Stewarts at least from the days of Alexander, Lord Badenoch.

¹ There must have been near relationship with the Earl of Athole, for both John and Silvester are spoken of by him as "*dilecto consanguineo nostro*." Probably "Marion," John Stewart's wife, was of the Athole family, though the deeds as yet discovered do not show her parentage.





CHAPTER VI.

JAMES, eldest son of Alexander Stewart, who was eldest son of James Stewart, was a clergyman and minister of Moulin, Perthshire, in which parish Wester Chuny is situated. We have already shown that his father granted him the Chuny estate on 21st July 1709, and the Camock property on 29th December 1712. These acts were confirmed by John, Duke of Athole, on 13th March 1721.

He married Elizabeth Campbell, daughter of Campbell of Monzie, whom we find named in a sasine of 17th June 1709 and 18th June 1712, and in sasine of 1st November 1744, "reserving to Elizabeth Campbell, mother of the present James Stewart, and relict of the late James Stewart, her liferent," so that the Reverend James must have died before November 1744. (*Vide* Appendix, p. 137.)

In a biographical sketch of Mr. Adam Fergusson, minister of Logierait in the early part of last century, who was schoolmaster at Moulin about 1693-95, occurs the following passage, for which extract I am indebted to the late lamented Dr. John Stuart of the Register House, Edinburgh.

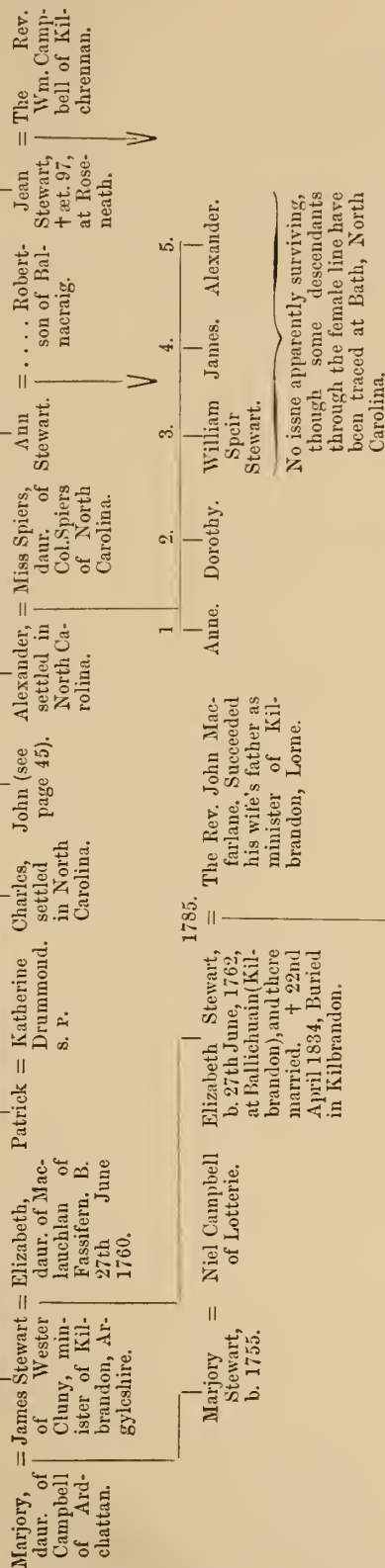
Speaking of his scholars at that time, he says—"Among these several did afterwards make a good appearance, particularly Mr. William Stewart, brother to Balnakeillie; Mr. Alexander Stewart, son to Mr. John Stewart, minister at Crandall; and Mr *James Stewart, son to Alexander Stewart of Clunie*, who was ordained at Scone, and after transferred to Moulin;" and by the "*Fasti Eccles. Scoticanæ*" (p. 4), we find he studied at St. Leonard's College, St. Andrews, took his M.A. degree 1703, was licensed by the Presbytery of Perth 14th November 1705, called on 25th June 1706, ordained 2nd January 1707, translated to Moulin 10th September 1707, died between 29th April and 3rd June 1735, aged about fifty-two years.

Their children were—

- (1.) *James*—minister of Kilbrandon, Argyleshire.
- (2.) *Patrick*.
- (3.) *John*.
- (4.) *Charles*.
- (5.) *Alexander*.

(1.) *James*, eldest son of the Reverend James Stewart, minister of Moulin, became

JAMES STEWART = ELIZABETH, daur. of
of Clunie (Wester), Campbell of Monzie.
minister of Moulton.



minister of Kilbrandon, in Lorn. He married, first, Elizabeth Campbell of Ardochattan, without surviving male issue; and secondly, Elizabeth, daughter of Maclauchlan of Fassifern. She was born at Artarig Cowal, and was buried at Roseneath.

He obtained sasine of the lands of Wester Cluny and Camoek from his father, James, as his "eldest and lawful son," on 31st March 1731, and confirmation was granted by the Duke of Athole on 16th December 1743; but on 13th March 1764, he conveyed to his next brother, Patrick Stewart, these same lands for £1320:2:1, the sasine being dated 5th July 1764, and the Duke of Athole's confirmation given 12th October 1767. James had already, on 8th December 1762, parted with his other estates of Drumchary and Cragandew to John Stewart of Stronchary, having, from his marrying and settling in Lorn, lost his interest in his Perthshire lands.

By his second marriage he had no surviving son, and only one daughter—

Elizabeth, born 27th June 1760, at Ballichuain (Kilbrandon); married there, on 7th August 1785, the Reverend John Macfarlane, minister at Kilbrandon, Lorn, who died 24th September 1806. His wife, Elizabeth, died 22nd April 1834, and was buried at Kilbrandon, leaving, with other children—

Mary Macfarlane, born 9th June 1790, at Ballichuain. She married, on 10th March 1814, the Reverend Archibald MacTavish, minister of Jura (Islay), who died in 1858.¹

This venerable and handsome lady is still living near Aros, Mull, surrounded by a numerous family of children and grandchildren; and it is from her these details of her immediate ancestry have been personally obtained, including those relating to her great-uncles Patrick, John, &c. &c.

(2.) *Patrick* Stewart purchased the Cluny and Camoek estates from his brother James on 13th March 1764, and this transfer was confirmed on 12th October 1767 by the Duke of Athole as superior.

Amongst the title-deeds of Mr. Butter of Faskally is a memorandum, stating "that all the above sasines of the Wester Cluny estates were in the repositories of Patrick Stewart of Cluny, which were opened by Edmund Fergusson, factor, on 9th January 1786, through a warrant of the Court of Session, at the instance of the Reverend James Stewart of Kilbrandon, Argyleshire (brother and apparent heir of the said Patrick Stewart of Cluny), and Mrs. Katherine Drummond, relict of the said Patrick."

A decret of sale was therefore granted them on 25th July 1786, and the lands, which had for generations been in the hands of the Stewarts of Forthergill, passed into the possession of Henry Butter of Pitlochry, ancestor of their present owner.

¹ In the "Separate Register of Presbytery of Lorn, in reference to the Ministers of Kilbrandon and Kilchattan," it is stated—"Mr. *James Stewart* had a daughter, *Elizabeth*, born 27th June 1760."

Also that "Mr. *John Macfarlane*, formerly ordained minister in the united parishes of Kilbrandon and Kilchattan, was admitted to be minister of the said parishes 15th January 1788, and was married to *Elizabeth Stewart* 7th August 1785."

This sale was confirmed by the Duke of Athole as superior on 4th December 1801. *Patrick* left no family. The property of Cluny alone, independent of the other lands, was over 640 acres, and included fine tracts of arable and pasture lands, besides forest and hill.

(3.) *John* was third son of James and Elizabeth Stewart. He married Miss Campbell of Kilmore, and died shortly after the birth of his only child, *James*. His widow subsequently married General M'Arthur, and died in America, whither she had accompanied him. James, son of John Stewart, was born at Lorn in 1765, and became an officer in the Navy. In 1789 he married Beatrice, daughter of William Austin of Perth, Esq., and had—

- (a.) *James* Stewart, born in London 1790; buried at Rio, in Brazil, September 1811.
- (b.) *Alexander Campbell* Stewart, a Midshipman H.E.I.C.S., born in London 1792; lost in the wreck of the *Lady Burgess* on her voyage to India, May 1807-8.
- (c.) *Charles* Stewart, born in London 1794, died on a voyage for the recovery of his health, aged twenty-three, and was buried at St. Thomas, West Indies, 1818.
- (d.) *Robert Campbell* Stewart, born 1799 in London; married 1834, at St. George's, Stonehouse, Devon, Lydia, daughter of Captain Gawler of Bridgeland, County Devon, who died 24th November 1873 at Ramsgate. Her husband, who never joined any career or profession, died also at Ramsgate in 1865. Their children were—

- (1.) *Beatrice*, born May 1836 in London; married 26th September 1877 the Reverend George Jones, of Emmanuel Church, Tunbridge Wells.
- (2.) *Elizabeth*, born September 12, 1839, at Lewisham Hill; married, 10th January 1871, F. J. Orwin, of Hurst Lodge, Horsham, Esquire.
- (3.) *Anne*, born 1842 at Blackheath; died at Ramsgate 1859.
- (e.) *Beatrice* Stewart, born 1795 in London; died at Blackheath 1855.
- (f.) *Anne* Stewart, born 1797, living now at Blackheath, and to whom I am indebted for the details relating to her immediate ancestry, and those of her great-uncles Patrick, Alexander, &c. &c. (See Pedigree next page.)

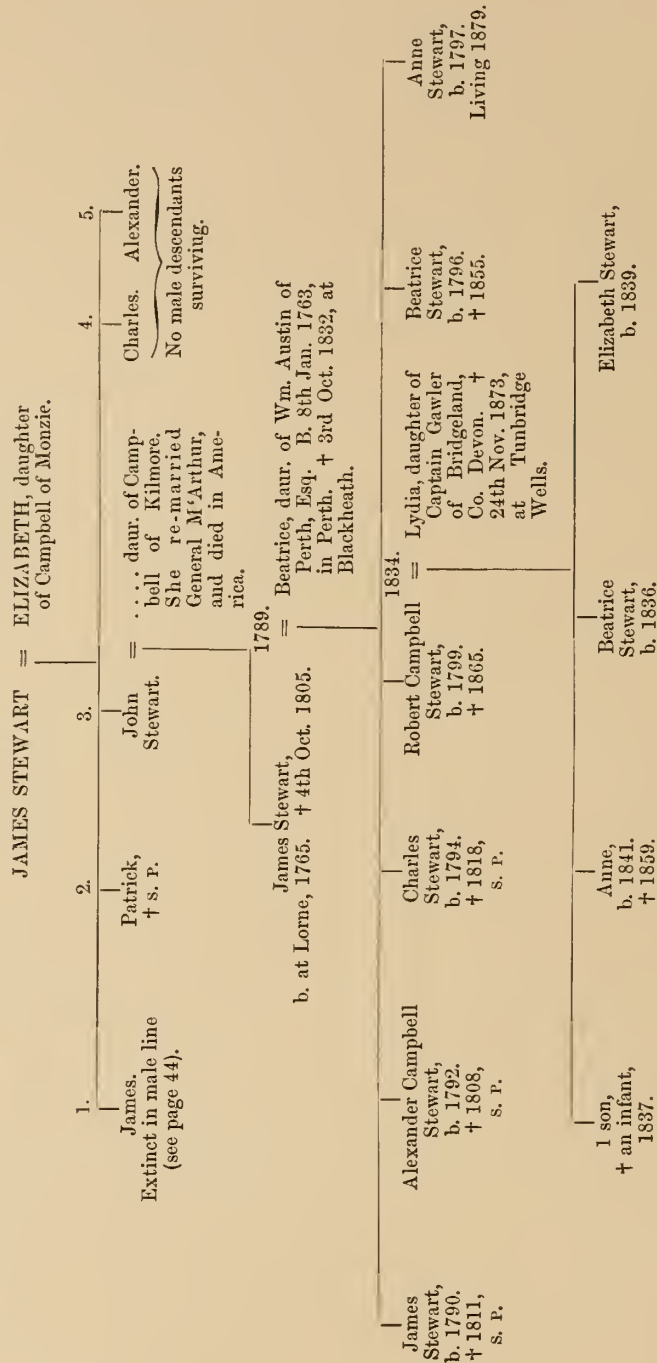
James Stewart died in London 4th October 1805, and his wife, Beatrice (who was born at Perth in 1763), on 3rd October 1832. Both were buried in Bunhill Fields burial-ground, London.

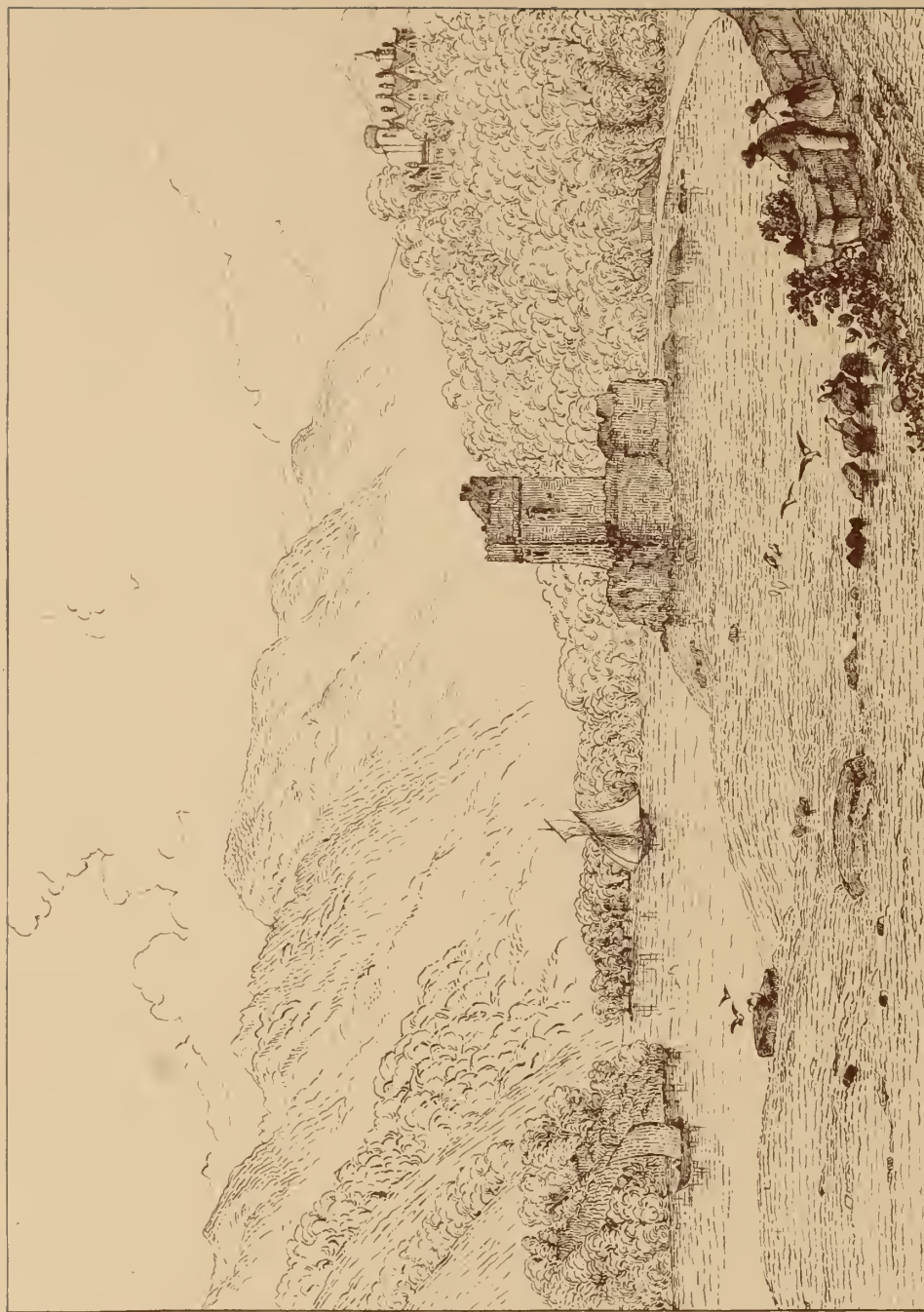
(4.) *Charles*; and

(5.) *Alexander*, the youngest sons of Charles and Elizabeth Stewart, both settled at Bath, North Carolina; but though every effort has been made to trace their descendants, none have been found except in the female line. Deeply interesting letters from him will be found in the Appendix, and, for their sweet simplicity and deep religious fervour, can hardly be surpassed. (*Vide* p. 142.)

(6.) *Anne* Stewart, married . . . Robertson of Balnacraig.

(7.) *Jean* Stewart, married William Campbell, minister of Kilchrennan. She died at the advanced age of ninety-seven, at Roseneath, and is the sister so touchingly alluded to in her brother's letters from Carolina above mentioned.





NARROW WATER CASTLE
(NEWRY-RIVER)



CHAPTER VII.

E now see that all the *male* descendants of John Stewart of Forthergill are extinct, except those sprung from *Charles*, second son of Alexander and Isabella Stewart, and from Alexander's brother, the *Rev. Robert Stewart* of Killiechassie, minister of Killin; of the latter we have treated in Chapter V.

The War Office records ($\frac{7}{5}\frac{3}{8}\frac{5}{5}\frac{3}{5}$) show that Charles Stewart entered the 5th (Lord Molesworth's) Dragoons, as Cornet, on 13th February 1728-9, and became Lieutenant in the same corps 27th August 1737. He served till 4th January 1749-50, when he retired from this regiment, but not from the service, as his name appears in the Army Lists as Captain of an independent company in Ireland up till 1774. During the latter period he seems to have been chiefly in command at Duncannon Fort and Carrickfergus, at which latter place he died, and was buried in the churchyard of St. Nicholas in June 1774, and his will proved at Belfast on 9th September following.

He married Rose, daughter of Roger Hall, Esq. of Narrow-water Castle, County Down, by his wife, Christian Poyntz, daughter and co-heiress of Sir Toby Poyntz of Acton and Brenock, County Armagh.¹

Mrs. Rose Stewart died February 1779, aged ninety-two, and was buried at Lisburn (Cathedral Church).

The following is the inscription from the tablets at Carrickfergus :—

² " NEAR THIS PLACE LIES INTERRED
 THE BODY OF
 CAPTAIN CHARLES STEWART,
 5TH (LORD MOLESWORTH'S) DRAGOONS,
 SON OF ALEX^R STEWART OF WESTER CLUNY, PERTHSHIRE,
 AND ISABELLA STEWART OF BALNAKILLIE, HIS WIFE.
 HE DIED 4TH JUNE 1774.
 DISTINGUISHED ALIKE IN HIS MILITARY AND PRIVATE CAREER,
 BY HIS FIDELITY TO THE PATH OF DUTY, AND BY THE DISPLAY
 OF EVERY AMIABLE AND CHRISTIAN VIRTUE.

¹ Rose Hall had previously married the Reverend Richard Close, of County Monaghan, who died at his seat of Mullans, near Warrington, 10th April 1716. His family is now represented by Colonel Maxwell Close of Drumbanagher Castle, Armagh.

² This Tablet is surmounted by the Stewart arms and crest.

HISTORIC MEMORIALS OF

ALSO TO THE MEMORY OF
 ROSE, HIS WIFE,
 WHO DIED 11TH FEB^y 1779, AGED 92 YEARS.
 SHE WAS DAUGHTER OF ROGER HALL, ESQ^{RE},
 OF NARROW-WATER, CO. DOWN,
 AND GRAND-DAUGHTER OF SIR TOBY POYNTZ, KNT,
 OF ACTON AND BRENCK, CO. ARMAGH.

This is in the church of St. Nicholas, while on the family vault in the churchyard is the following :—

“ HERE LIE THE REMAINS OF
 CAPT. CHAS^S STEWART OF CLUNIE, IN PERTHSHIRE,
 GOVERNOR OF DUNCANNON FORT,
 WHO DIED ABOUT 1774.

HIS WIFE, DAUGHTER OF MR. HALL OF NARROW-WATER, AND RELICT OF MR. CLOSE, WAS
 INTERRED AT LISBURNE.

ALSO THOSE OF
 HIS STEP-DAUGHTER, CHRISTIAN CLOSE,
 LIKEWISE THOSE OF HIS DAUGHTER ROSE
 (MARRIED FIRST TO JOHN ROWAN OF MULLANS, ESQ^{RE},
 AND RELICT OF CAPTAIN PHILLIPS). SHE DIED 1817.
 AND THOSE OF HIS GRAND-DAUGHTERS—
 MARGARET ROWAN, WHO DIED IN 1788.
 LETITIA ROWAN, WHO DIED IN 1832.
 ROSE ROWAN, WHO DIED IN 1834.
 CHARLOTTE ROWAN, WHO DIED IN 1842.
 ANNE, WHO DIED IN 1853.

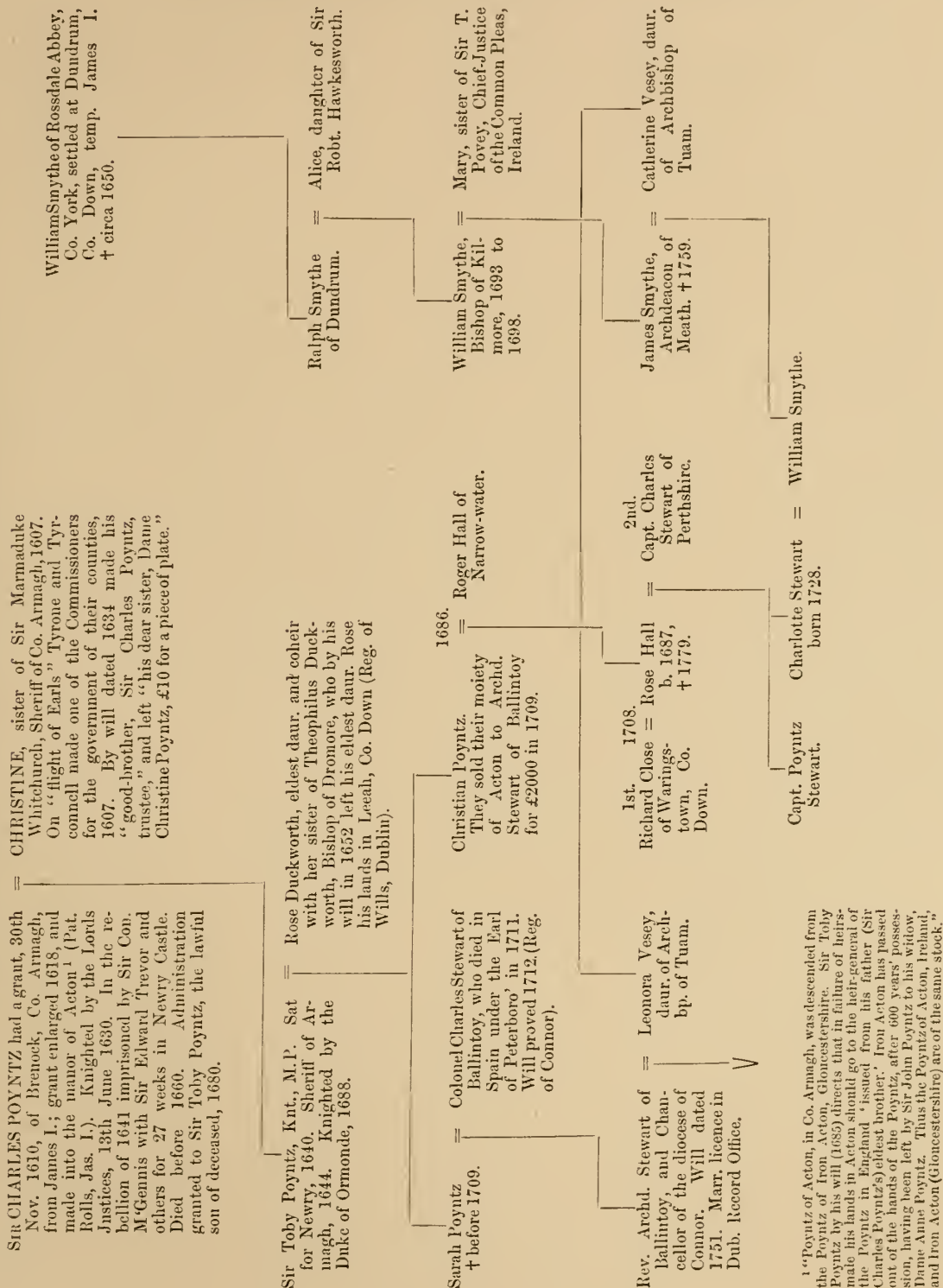
THESE EXCELLENT WOMEN,
 DISTINGUISHED BY SIMPLICITY OF HEART
 AND THE MILK OF HUMAN KINDNESS,
 THOUGHTLESS ABOUT SELF, DEVOTED TO THEIR OWN FAMILY,
 AND TO THE CARE OF ITS YOUTHFUL MEMBERS,
 BENEVOLENT TO ALL,
 WERE UNIVERSALLY BELOVED AND LAMENTED.

ERECTED BY GRATEFUL RELATIVES.”

Captain Charles Stewart left by his wife Rose—

- (1.) *Anne*, born 1726, died unmarried at Lisburn, 26th July 1804, aged seventy-eight.
- (2.) *Charlotte*, baptized at Lisburn, January 23rd, 1728. She married Cornet William Smythe, of His Majesty's Dragoons, son of the Venerable James Smythe, Archdeacon of Meath, by his wife, Catherine Vesey, daughter of the Archbishop of Tuam. They had, with several other children, one daughter—

Anne Smythe, who (as we shall see presently) married her first cousin, Major



¹ "Poyntz of Acton, in Co. Armagh, was descended from the Poyntz of Iron Acton, Gloucestershire. Sir Toby Poyntz by his will (1685) directs that in failure of heirs male his lands in Acton should go to the heir-general of the Poyntz in England. Issued from his father (Sir Charles Poyntz's) eldest brother. Iron Acton has passed out of the hands of the Poyntz, after 600 years' possession, having been left by Sir John Poyntz to his widow, Dame Anne Poyntz. Thus the Poyntz of Acton, Ireland, and Iron Acton (Gloucestershire) are of the same stock."

P. Stewart. Charlotte died at Lisburn 24th July 1822, and her husband died 1777, aged fifty-six, and was buried in Ballintoy churchyard, Ireland, where the following inscription may still be seen :—

“ TO THE MEMORY OF
WILLIAM SMYTHE, ESQ^{RE},
OF ARTIMACORMICK HOUSE,
WHO DIED 1777, AGED 56.
ALSO OF HIS DAUGHTER,
MRS. CATHERINE STEWART,
WHO DIED 1809, AGED 48.
ALSO OF HIS GRAND-DAUGHTER,
ROSE STEWART,
WHO DIED 1799, AGED 17.”

- (3.) Captain *Charles Ross* Stewart, born 1730 (for whom see next page).
- (4.) *Rose*, born 1733; married, first, John Rowan of Mullans and Garry, County Monaghan, and High Sheriff, who died at Warrington 10th April 1716. She afterwards married Captain Phillips, whom she survived, and died in 1817 at Carrickfergus, where she was buried.
- (5.) Captain *Poyntz* Stewart, baptized 21st June 1736 at Lisburn (for whom see page 53).
- (6.) Captain *James* Stewart, who served in the 1st (Royal Scots) Regiment from 1757 to 1777, and died without issue.

The following copy of the inscription on the family vault of the Stewarts, Christ-Church Cathedral, Lisburn, gives dates of many members of it already named, or who will be spoken of later :—

“ Within the railings affixed to this Monument are deposited the remains of—
Mrs. ROSE STEWART (relict of the late Captain Charles Stewart), who died in the month of February 1779, aged 92 years.
Of POYNTZ STEWART, 3rd son of Poyntz Stewart, Esq^r, of Lisburn, who died on the 5 day of Nov^r 1773, aged 9 years.
Of HANNAH SMYTHE, 4th dau^r of Mrs. Charlotte Smythe, of Lisburn, who died on the 3d day of August 1792, aged 24 years.
Of Mrs. ANN STEWART, second wife of Poyntz Stewart, Esq^r, of Lisburn, who died on 21st day of July 1793, aged 57 years.
Of ANN STEWART, dau^r of the above-mentioned Cha^s and Rose Stewart, who died on the 26th day of July 1804, aged 78 years.

Here also are interred the bodies of—

MARGARET STEWART, the 6th daughter of Dr. William Stewart, of Lisburn, who died on the 13th day of May 1816, æt. 3 months.
And of MARGARET STEWART, his wife, who departed this life on the 15th day of May 1816, æt. 39.
Also the body of CHARLOTTE, relict of the late Wm. Smythe, Esq^r, of Ballyintoy, who died July 26th, 1822, aged 94 years.

Also the body of POYNTZ STEWART, Esq^r, of Lisburn, who died April 9th, 1823, aged 87 years.

Also the body of Rev^d JAMES SMYTHE, Vicar of Dysert, in Diocese of Lismore, who died Nov^r 29, 1823, aged 61 years.

Also of MARY ANN, 4th dau^r of Dr. Wm. Stewart, of Lisburn, and of the above named Margaret, who died 24th Aug^t 1833, aged 23 years.

Also of Dr. WM. STEWART, who died on the 22d of Oct^r 1844, in the 76th year of his age."

1. *Charles Ross* was the eldest son of Charles Stewart by his wife Rose.

He entered the 14th Regiment as Ensign 29th April 1752, became Lieutenant 18th May 1756, and subsequently exchanged into the 84th Regiment, from which he retired in 1766.

On 28th August 1770 he married, at St. James's Church, St. Helena, Elizabeth Twaits, daughter of a wealthy planter¹ in that island, by whom he had the following children:—

(1.) Captain *Charles*.

(2.) Colonel *Matthew*.

(3.) *Elizabeth*.—Baptized at St. Helena 5th April 1778; married, 30th May 1796, her first cousin, Captain Daniel Bartholomew Corneille, of that ancient French family, and died, 24th March 1876, at Wood Park, Dublin, aged 96. Captain Corneille (chairman of the Board of Inland Navigation, Ireland), of Wood Park, Dublin, baptized at St. Helena 20th April 1773, died 12th August 1825. His father, Daniel, Governor of St. Helena, there married (20th September 1770) Mary, daughter of Mr. Twaits, and sister of Mrs. Charles Ross Stewart.

Mrs. Charles Ross Stewart died at St. Helena, and was there buried 3rd September 1780. Her husband, surviving her, died in 1802, and was buried in St. John's Churchyard, Hackney, near London, on 25th January 1802, where his tomb may now be seen. It bears the following inscription:—

"IN MEMORY OF CHARLES ROSS STEWART,
CAPTAIN IN THE HONORABLE EAST INDIA COMPANY'S SERVICE,
WHO DIED THE 18TH JAN^r 1802, AGED 72 YEARS."

(1.) Their eldest son, *Charles*, was born at St. Helena, and there baptized 4th October 1771.

He served in the 28th Regiment through the campaigns of 1793-4-5, and till the recall of our army in 1795, under the Earl of Moira, H.R.H. the Duke of York, and

¹ In the "Record of Wills" in the Island of St. Helena are the wills of Mr. John Twaits (page 40) of 19th April 1755, and of Mary Twaits (*née* Greentree) of 13th August 1757, and proved 24th April 1758 (page 52).

By other records in the island we find that Governor Corneille arrived there 21st March 1765, *vice* Governor Scotlowe, who married Margaret Greentree, sister of James Greentree, and niece of the above-named Mary Twaits.

Count Walmoden ; became Captain on 18th January 1799, and retired on 27th January 1803.

On 19th March of that year he married at Gloucester Elizabeth Ann, daughter of J. Hancock, Esq., of Daglonworth Park, Cirencester, who was born at Gloucester, 19th March 1777, and died 24th, and was buried 30th October 1839, aged sixty-two.

Captain Charles Stewart died at Beverley on 3rd, and was there buried on 8th April 1831, at St. Mary's Church.

Their children were—

- (1.) *Charles Poyntz Percy*, of the Ceylon Civil Service ; born at Beverley 14th November 1804, died on 14th November 1828 (his birthday) at Beverley, and was buried at St. Mary's Church, 19th November, at the age of twenty-four.
- (2.) Reverend *Frederick* ; born at Beverley 30th August 1817 ; married at Ospringe, Kent, 10th February 1848, Mary, daughter of Reverend W. Jones, vicar of that place. He died, 20th August 1858, at Beverley, aged forty-one, and was buried there 24th of that month, leaving no surviving son, but two daughters—
 - (a.) *Mary Arabella*, born at Stillington Vicarage, May 26, 1849 ; married at Dover, August 1870, Captain Arthur Roberts, of the 44th Regiment, and has several children.
 - (b.) *Emma*, born 27th July 1852.
 His son, Walter Frederick, died before him, at the age of five years, and was buried at Beverley 9th May 1856.
- (3.) *Anne Stewart*. Still living at Beverley.
- (4.) *Charlotte Stewart*, who died at the age of nineteen at Bridlington, on 31st August 1831, and was buried at Beverley on 4th September following.
- (5.) *Mary Stewart*, born at Newcastle-on-Tyne 29th July 1810 ; married, 2nd June 1830, J. Frith Soame, of Little Thurlow Park, Suffolk, Esq., and died at Brighton 17th October 1832.

Mr. Frith Soame died five months after their marriage (11th November 1830), and was buried in Beverley Minster.

(2.) Lieutenant-Colonel *Matthew Stewart*, 13th Madras N.I., born at St. Helena 1774, distinguished himself in the Indian campaigns ; was present at the taking of Pondicherry in 1789, when only sixteen years of age, and served through the Mahratta, Deccan, and other wars.

He married at Lisburn, on 13th October 1813, Agnes, daughter of Robert Duncan, Esq. (by Agnes, daughter of T. Spottiswoode, of Dunipace, County Stirling, Esq.), of Lisburn and Derriaghy : she was born at Derriaghy 9th February 1786, and died at Dublin 5th January 1844.

Colonel Stewart served from 1789 in each campaign up to that in the Deccan, and died in camp (Cassarbury Ghaut), after the capture of Nagpore, 1st October 1818, as shown by India Office Records.

He left an only child—

Charles Arthur Wellesley Stewart, born 18th January 1815, a barrister-at-law, Dublin. Living unmarried 1879.

We now return to the second son of Captain Charles Stewart by his wife Rose, daughter of Roger Hall, Esq., and granddaughter of Sir Toby Poyntz, viz.:—

2. *Captain Poyntz Stewart*, who was born in 1736 at Lisburn, Ireland, and baptized there on 21st June of that year; the entry in the parish records noting him as “son of Cornet Cha^s Stewart.”

On 16th February 1756 he entered the 1st (Royal Scots) Regiment; became Senior Lieutenant in 1763; Captain-Lieutenant 14th August 1765; Junior Captain 1st October 1766; Senior Captain in 1772; and retired on 23rd June of the following year, after long and distinguished service under Colonels the Honourable James St. Clair (appointed 1737), Sir H. Erskine (appointed 1762), and John, Duke of Argyle. On leaving the Army he, through family friendship with Lord Hertford, received an excellent appointment as Committee-Clerk in the House of Lords. On 8th September 1763 he had married Magdalene, daughter of the Reverend Philip Gayer of Derriaghy, by his wife Agnes, daughter of Reverend H. Echlin.¹

Captain Poyntz Stewart died on 9th April 1823 at Lisburn, aged eighty-seven, and was there buried on the 11th of that month. His will, dated 20th May 1809, was proved on 26th November 1823 in Dublin. He left by Magdalene Gayer, his first wife, (having married again without issue)—*Charles, Philip, and William*.

(1.) *Charles*, a Major in the East India Civil Service, and afterwards Professor of Eastern Languages at Haileybury College. He was the translator of several valuable Eastern works, for which he received the Gold Medal of the Asiatic Society, value £50, now in possession of the writer of these pages.

He married Amelia, daughter of Sir W. Gordon of Embow, Bart., who died in 1827 without family.

Major Stewart, who was born in 1764, died at 25 Royal Crescent, Bath, April 1837. An inscription may be seen to his memory in Walcot church. His will was proved 1837.

(2.) *Philip*, born at Kinsale 1765; entered the 10th Regiment as Ensign 24th October 1782; became Lieutenant on 5th March 1788; joined the 3rd Regiment (Bufs) 14th April 1804; obtained his majority 1st January 1805; and, retiring on full pay 18th August 1820, resided at Hartley Court, County Berks. On 8th January 1796 he

¹ The Reverend H. Echlin was son of Sir Henry Echlin, Baron of the Exchequer, and married—1st, Lady Jane Moore, sister of the Earl of Drogheda; and 2nd, Mary, daughter of Brabazon Moore, son of Randal Moore, of Ardee, by Lady Jane, daughter of the Earl of Meath, and granddaughter of Charles, second Viscount Drogheda, by Alice, daughter of Viscount Ely.

The Reverend Philip Gayer was descended lineally from John Gayer, of Liskeard, Cornwall, M.P. from 1553 to 1571.

For full details of the Family, see “Memoirs of the Family of Gayer,” by my late esteemed kinsman A. E. Gayer, Esq., Q.C., LL.D., one of the Ecclesiastical Commissioners for Ireland.

married at Lisburn his first cousin, Anne, daughter of Captain William Smythe, son of the Venerable James Smythe, Archdeacon of Meath, by his wife, Catherine Vesey, daughter of the Archbishop of Tuam (see p. 48).

Major Stewart died at Brighton 7th May 1837, aged seventy-two.

His wife died there also 2nd July 1828, aged fifty-two years, and a memorial tablet to their memory is in St. Mary's Church, Brighton.

Their children were—

- (a.) *Poyntz*, in holy orders, born 15th April 1797 at Tromerry House,¹ near Lisburn, died at Arcot, East Indies, 15th May 1834 (shown by India Office Records, Madras, vol. xv., p. 641), without issue.
- (b.) *William*, Captain R.H.A., born 8th December 1798; died at Paris 19th February 1857, having married, 1821, Mary, daughter of T. Bendyshe, Esq., of Barrington Hall, Cambridgeshire, who died at Pau 1863, without any family.
- (c.) *Charles*, some time M.P. for Penrhyn, barrister-at-law, born 30th September 1801; married at Paris, 21st July 1861, Emily Constantia, daughter of J. Parland, Esq., and god-daughter of the Emperor of Russia, and has an only child—

Charles Edward, born 5th June 1862 at Paris, and now of Eton College.

- (d.) *Philip*, born 1st June 1803, was educated at Haileybury College, where he took the Gold Medal for Arabic, Persian, and Hindostanee, and high honours in other branches. He became a magistrate, judge, &c. in the East India Civil Service, and after a long and distinguished service of over twenty years, retired in the year 1849.

After his return to Europe, he received an address from the Native inhabitants of Surat, in which province he had long administered justice, of which the following is an extract :—

“ We beg leave most respectfully to inform you that the undersigned and others, citizens of this city, being prompted by a feeling of gratitude and respect, have come to a resolution to subscribe money to have your portrait taken. Accordingly a sufficient sum has been raised, and we now most respectfully beg that you will confer one favour, in addition to the many favours you have already bestowed on the inhabitants of Surat, *i.e.*, to allow a good artist to take your portrait. . . . We have already obtained the sanction of Government to allow your portrait to be suspended in some conspicuous part of the collector's office, as a memorial of your kind-heartedness and benevolence, as well as of your wise administration while in office here, the effects of which are evident to every stranger, while they are deeply engraven in the hearts of a grateful people.”

This is signed by twenty-two of the chief Natives as representatives of the district.

¹ This property is in Magheramisk parish, now amalgamated with Aghalee Rectory (Lurgan); but the registers for this period contain very few entries. In 1790 there are only two; after this there are none till 1804; and in 1805 only thirteen! All the dates here given are certified to either by the persons themselves, or their brothers and sisters.

Mr Stewart's portrait was accordingly taken at Florence, where he was then staying for the winter of 1849, by the well-known Count Boratinsky, and this beautiful life-size and full-length picture now hangs up in one of the chief rooms of Surat Castle. Mr Stewart married Matilda Frances, daughter of the late William Dawson, of St. Leonard's Hill, County Berks, Settle, County York, and Manchester Square, London.

He died at Brighton 22nd April 1868, and his wife, who never recovered her loss, on 20th October 1877. Both are buried in Hove churchyard, near Brighton.

They had an only child—

Charles Poyntz Stewart, educated at Paris and Trinity College, Cambridge.

And here, before proceeding further, a few words as to the characters of those fond parents, whose loss will never be compensated for to those whose privilege it was to know them intimately. In Philip Stewart there was united the wisdom of the man with the simplicity of the child. Unselfish in a wonderful and rare degree, sincere and unswerving, warm-hearted and generous to a fault, his disposition was a most angelic one.

Notwithstanding his many years of rule over others, he was strikingly unassuming and modest, and in every relation of life his enlightened and gifted mind, free from all prejudices and narrow views, rendered his society delightful; and though of a naturally warm and sensitive temper, never did he utter or entertain a hard word or sentiment, even under grievous injury; this gentle influence diffused a peace and calm around his domestic life, which made it a home indeed, and a blessed privilege to be with him.

In illness his habitual piety was apparent in his patient, uncomplaining spirit, and in the severest attacks of long-continued and acute pain not a murmur escaped him, his only fear being that he should cause anxiety to those who loved him. Truly indeed has it been said of him that he was the Christian gentleman, he is the "just man made perfect."

For thirty-four years of the most perfect domestic happiness did this noble character share his varied experiences of a useful life with one who was in many respects as fine and rare a type. Fragile and delicate from her girlhood, she was endued with a strength of mind, firmness, and decision which were remarkable; uniting, however, with these, gentleness of manner, extreme and almost painful sensitiveness of feeling and tenderness of heart, balanced by a keen sense of justice, and rapid, unerring appreciation of character. A highly accomplished linguist and musician, an earnest reader and thinker, her journals and manuscript books of extracts show the thoughtful and gifted mind, the steadfast piety, the discerning spirit and total freedom from illiberality which pervaded her whole life.

To those who knew them well, these few observations will not appear overdrawn; they are but a very feeble tribute to lives that were a blessing to all around them, and to a peaceful home, where even a difference of thought was unknown.

(e.) *James*, an officer in the Nizam's service, born 4th January 1805 at Lisburn, died at Bombay 26th February 1849, without issue.

Major Stewart's daughters were—

- (f.) *Charlotte*, born 28th January 1800 ; married William Patten, of Merrion Square, Dublin, and Westport, County Mayo, Esq., and has a family.
 - (g.) *Magdalene*, born 17th December 1806 in Guernsey ; married, 31st August 1831, the Reverend T. A. Holland, M.A., Rector of Poynings, Sussex, son of Reverend Dr. Holland, Precentor and Prebendary of Chichester Cathedral, and Rector of Poynings, by his wife, Frances, daughter of Lord Chancellor Erskine. They have a numerous family.
 - (h.) *Amelia*, born 18th January 1808 ; died at Brighton 22nd June 1875, unmarried.
 - (i.) *Anne*, born 4th March 1811 ; died 21st October 1826 in London, unmarried.
 - (j.) *Rosina*, living 1879.
 - (k.) *Mary*, born at Hartley Court, Berks, 22nd November 1817 ; married in 1845 Major Richard Woodward of Bannerdown House, Batheaston, Somerset, and died 17th June 1854, leaving a family.
- (3.) *William*, born 26th June 1769 ; resided at Lisburn ; married, 30th November 1798, Margaret, daughter of Nicholas Piers, Esq. She died at Lisburn 15th May 1816, aged thirty-nine years. Her husband died 22nd October 1844, also at Lisburn.

There children were—

- (1.) *Poyntz Stewart*, born 1799 ; served in the Honourable East India Company's Service, and died 16th July 1827, in Calcutta, having married Margaret, daughter of Captain J. Stathem, of St. Helena, who died at Richmond, 1850, leaving two sons—
 - (a.) William Hampton Christian, born 1824 ; died 1827, at Calcutta, aged three years (as shown by India Office Records, Bengal, vol. xix., p. 127).
 - (b.) Poyntz, born 1826 ; died without issue, in 1851, at Blackheath.
- (2.) *Edward Piers*, Captain Honourable East India Company's Service, born 1802 ; died in Bombay Presidency, September 1828 (as shown by India Office Records, Bombay, vol. viii., p. 620).
- (3.) Jane, married Major Crossley.
- (4.) Margaret, married Reverend E. Smith of Glenavy.
- (5.) Magdalen, died, unmarried, 5th December 1871 ; buried at Lisburn.
- (6.) Emily.
- (7.) Charlotte, married Thomas Caldbeck, of Edenbray, County Wicklow, Esq.





CHAPTER VIII.

QU other families of the surname of Stewart in Perthshire, noticed in Duncan Stewart's History of 1739, as claiming descent from Lord Badenoch.

1. *Duntanlich*.—This family is said by Duncan Stewart in his "History of the Stewarts" to be descended from a brother or uncle of Alexander Stewart, first Laird of Bonskeid. The family is now extinct.
2. *Drumcharry*.—The same authority states this line to be descended from a younger son of Duntanlich. The family is extinct in the male line through the death of Major-General David Stewart, author of the able and well-known work on "Highland Regiments and Highlanders," published in 1821.

It is, however, represented in the female line by the sons of the late General's sister, Mrs. Irvine, and their descendants, viz. :—

The late Reverend *Alexander Robertson Irvine*, Minister of Blair-Athole,
and

Dr. William Irvine of Pitlochry.

3. *Fincastle*—who derive (according to Duncan Stewart) from a son of John Stewart of Forthergill, called David; but we have come upon no legal or documentary evidence to establish this; and in fact it may very fairly be suggested that the ancestor of this and the other branches here enumerated, as claiming descent from Lord Badenoch, may have been Niel, the *brother* of John of Forthergill, named in the *mortis causa* deed of 1472, and not John himself; and some corroboration for this suggestion is to be found in the fact that none of the landed properties named in this Chapter were ever possessed by John, or his son, or grandson; the inference being that these properties must have passed into the possession of the several families of Stewart from another source.

The estate of Fincastle is now sold, and it is believed that the only male representative now living is—

James Stewart, Civil Engineer, Edinburgh, whose grandfather was Captain Stewart of Fincastle.

4. *Foss*.—The same author states this branch to come from a younger son of Fincastle. The property is sold, and its male representative is—

William Stewart-Menzies of Chesthill, grandson of Joseph Stewart (last Laird of Foss), who still holds other property in the district, acquired through his grandmother, Miss Menzies of Chesthill, wife of the before-mentioned Joseph Stewart of Foss.

5. *Balnakillie*.—Also descended from Fincastle. The male line is extinct, but the property is possessed by Henry Black-Stewart, son of Henry Black, by his wife, who was sister of Alexander Stewart, last male of Balnakillie.
6. *Ladywell*.—This family is also extinct, and is said to have come from Fincastle.
7. *Kinachan*.—Likewise descended from Fincastle, is extinct.
8. *Urrard*.—This line also comes from Fincastle, and the male line is now extinct; but the property (on which the battle of Killiecrankie was fought) still belongs to the descendants in the female line, who derive from *Robert Stewart*, who married Christian, daughter and heiress of Leslie of Rinroy (now called Urrard), and died 1641. From him the property passed down to his lineal descendant, *James Mackenzie Stewart*, of Urrard, who, dying on 1st March 1803, at Gloucester, without any surviving issue, the estate came into the possession of his sister *Charlotte*, who married, 11th November 1803, Major James Alston, of H.M. 63rd Regiment, by whom she had—
 - (1.) *William Alston-Stewart*, born 8th October 1804; married Miss Bishop, and left an only child, *Frances Louisa Alston-Stewart*, now of Urrard, and widow of Captain Boxer, R.N., and has anumerous family.
 - (2.) *Elizabeth*, married Colonel Bouverie, of Delapré Abbey.
 - (3.) *Janet*, married Admiral Clark.
 - (4.) *Susan*, married Sir W. Dick-Cunynghame, Bart.
 - (5.) *Charlotte*, }
 - (6.) *Christina*, } of Killiecrankie Cottage, Perthshire.
 - (7.) *Anne-Balcarres*, married Sir Robert Menzies, Bart., and died 1877, leaving a family.

Our task is now accomplished; we have traced this branch of the ancient race of the Lords High Steward from the middle of the twelfth century down to the present time, though without dwelling at length on the earliest portion of their annals, which belong more to the sphere of general history (proved as they are by many printed works accessible to all) rather than to that of a family memorial.

It is almost with feelings of regret we terminate an investigation begun with but a faint hope of being able to obtain legal proofs back to such an early period, carried on with many difficulties—and what seemed likely to prove almost insurmountable obstacles—to the completion of every link in the chain; yet a pursuit full of interest, and which has afforded change and relaxation during many an hour of sorrow and depression.





ADDENDA.

THE completion of our "Memorials" has been purposely postponed for a twelvemonth while awaiting the result of a search made in the Exchequer Rolls now being prepared for publication by George Burnet, Esq., Lyon King-of-Arms, and at his request prior to the formal entry of the pedigree at page iii of this work in the Records of the Court of the Lord Lyon.

These documents, however, throw little further light on our subject except that (1) Alexander Stewart, Earl of Buchan, the "Wolf of Badenoch," or, as he was generally designated in his district, "Alasdair Mòr Mac an Rìgh" (Anglicé, Big Alexander, son of the King), left, with the four sons we have enumerated at page 9, a daughter, Margaret Stewart, who is styled in the above-named Rolls, A.D. 1438, "Margarete, sororis quondam Comitis de Marr;" (2) that John Stewart of Forthergill was in possession of those lands in 1450, prior to the Royal Charter thereof to him by King James II. on 30th October 1455, and given in facsimile at page 14 ("Chamberlain's Accounts for the District of the Abthania of Dull, Martinmas 1450 and Whitsunday 1451"). The following entry occurs in the Acts of Parliament, under Robert III. (vol. i. p. 573):—

"Item, it is ordainit that the thre sonnes of Sir Alisander Stewart, the quhilkes ar now in prison in the Castel of Stryueling, be deliverit to the Lieutenand, and that he be obligit to gerr thaim be kept firmly and nocht be deliverit but consail general or parlement."

These sons of the Earl of Buchan appear to have engaged about 1396-97 in a devastating expedition against the Lowlanders of the Angus district in Forfarshire, and thus to have come into collision with the authorities of their uncle, Robert III. According to Bower (*Scotichronicon*, lib. xv. c. 3), one of the sons of the fiery Earl was leader of the expedition, and the accounts of the period show considerable disbursements for maintaining certain persons of importance in custody in the Castle of Stirling—probably the ones above referred to. (*Excheq. Rolls of Scot.* vol. iii. p. lxxviii.)

We may add that whenever the "Wolf of Badenoch" is alluded to, he is termed "*Dominus Alexr. Senescalli*" if the deed be in Latin, and "*Sir Alexr. Stewart*" if English be used, in the documents of the period.

A letter recently discovered in the Edradynate charter-chest, and dated "Meggernie, Wednesday, 23rd October 1717," shows that a daughter of James Stewart, first of Wester Cluny, married Menzies of Culdares. In this letter, from their son James Menzies of Culdares, and addressed to the Rev. Robert Stewart (of Killiechassie) at Killin, the writer designates himself "your affectionate nephew." An interesting notice of this James Menzies, who is also one of the parties to the Commission referred to at page 34 and printed in full in the Appendix, page 80, is given in General David Stewart's work, vol. i. page 51, as follows:—

ADDENDA.

"The late James Menzies of Culldares having engaged in the Rebellion of 1715, and been taken at Preston in Lancashire, was carried to London, where he was tried and condemned, but afterwards reprieved. Grateful for this clemency, he remained at home in 1745, but retaining a predilection for the old cause, he sent a handsome charger as a present to Prince Charles when advancing through England. The servant who led and delivered the horse was taken prisoner and carried to Carlisle, where he was tried and condemned. To extort a discovery of the person who sent the horse, threats of immediate execution in case of refusal, and offers of pardon on his giving information were held out, but were equally ineffectual with the faithful messenger. He knew, he said, what the consequences of a disclosure would be to his master, and his own life was nothing in comparison. When brought out for execution he was again pressed to inform on his master. He asked if they were serious in supposing him such a villain. If he did what they desired, and forgot his master and his trust, he needed not return to his country, for Glenlyon would be no home or country for him, as he would be despised and hunted out of the glen. Accordingly he kept steady to his trust and was executed. This trusty servant's name was John Macnaughton, from Glenlyon in Perthshire; he deserved to be mentioned, both on account of his incorruptible fidelity and his testimony to the honourable principles of the people, and to their detestation of a breach of trust to a kind and honourable master, whatever might be the risk, or fatal consequences to the individual himself."

General Stewart adds in a footnote:—

"A picture of the horse is in my possession, being a legacy from the daughter of Mr. Menzies. A brother of Macnaughton lived for many years on the estate of Garth and died in 1790."

Since the preceding pages have passed from the printer's hands a genealogical work of considerable interest has been published, "*The Stewarts of Appin*," a handsome volume, beautifully printed, and which we heartily welcome as a valuable addition to the early history of the Stewart race generally, besides affording a concise genealogy of the various branches of the Appin Stewarts.

The theory of the descent of the Stewarts from Fleance, son of Bancho, has been revived, but not dogmatically, the reader being invited to satisfy himself from the testimony given as to whether Alan, the father of Walter, first High Steward, was son of *Fleance*, or of *Flaald* the Norman, which latter theory has generally been held by genealogists of more recent times, and with which we are inclined to concur, as stated at the commencement of Chapter I.

What we particularly value in "*The Stewarts of Appin*" is the historical account given of the race generally from *Alan*, father of the first High Steward, step by step down to the commencement of the reign of King Robert II., and onwards in the Bonkyll line to Sir John Stewart, usually known as "the last Lord of Lorn." The enumeration of dates and description of documents and personal acts are very interesting, and the genealogy in this portion of the work fully corroborates, from independent sources, the genealogical tables we give at pages 12 and 20.

Miss Anne Stewart of Beverley, named at page 52, has, we regret to say, died on 21st May 1880, prior to the completion of this work.

Referring to Chapter V. page 40, James Stewart-Robertson, younger of Edradynate, married, 11th October 1880, at St. Giles' Cathedral, Edinburgh, Janet Beatrice, youngest daughter of T. W. Murray-Allan, Esq. of Glenfeochan, Argyleshire, by Jane Campbell, his wife, daughter of J. Campbell of Achallader, and Anne, his wife, daughter of McNeil of Barra, chief of that "clan."

ERRATUM.

At page 45, line 9 from bottom, for Charles read James.

* September

APPENDIX.





APPENDIX.

TN Robertson's "Index of Charters" there occur the following entries:—
 "Carta to Thomas Menzies of the lands of Fothergill in Atholia. (King Rob. I.)"

"Carta by Robert, son of Duncan of Atholia, to Alexander Menzies of Fothergill, on the marriage of Jean, dau^r of the said Rob., one of the heirs of Glenesk (temp. David II.)"

CROWN CHARTER to ALEXANDER of MENZIES, Knight, and EGIDIA STEWART, his wife, of the Barony of Durisdere. [A.D. 1306-1329.]

Reg. Mag.
Sig., Rot. i.
No. 32.
(King Robert the
Bruce.)

Robertus etc., Sciatis nos dedisse concessisse et hac presenti carta nostra confirmasse Alexandro de Meyncris militi et Egidie senescalli sponse sue pro homagio et servicio suo totam baroniam de Dorisdere cum pertinenciis: Tenendam et habendam dictis Alexandro et Egidie sponse sue et eorum alteri diucius viuenti eorumque heredibus inter ipsos legitime procreatis, de nobis et heredibus nostris in feodo et hereditate per omnes rectas metas et diuisas suas libere quiete plenarie et honorifice cum omnibus libertatibus commoditatibus aysiamenis et iustis pertinenciis suis faciendo inde nobis et heredibus nostris dicti Alexander et Egidia eorumque heredes supradicti seruicium debitum et consuetum. Si vero dicti Alexander et Egidia moriantur nullo herede relicto superstitute inter ipsos vt dictum procreato, volumus quod dicta baronia cum pertinenciis ad propinquiores heredes dicti Alexandri iure hereditario deuoluatur. In cuius rei etc.

EXTRACT from the EXCHEQUER ROLLS containing payment from the Lands of Forthergill, 1358.

The Ex-
chequer
Rolls of
Scotland,
Vol. i.
p. 557.

Expense eiusdera de exitibus Itineris Justiciarii In primis computat xj^{li} vj^s et viij^d in expensis Justiciariorum dictum Iter apud Perth tenencium xxix^o die Octobris anno etc Lvij^o Item iij^{li} abbati de Scona pro secundis decimis. Item xx^s Priori de Rostynot pro secundis decimis ipsum contingentibus de duobus hominibus de Anegus infra vicecomitatum de Perth amerciatis et dampnatis. Item xl^s fratribus de Perth ex concessione Justiciariorum in Itinere sedencium Item allocantur computanti xx^s quos soluit super compotum Domino Waltero de Byger camerarii locum tenenti de quibus respondebit Item x^{li} allocantur computanti per difforciamenta sibi facta per senescallum scocie de personis infra scriptis videlicet, Gilberto de Cornell, Johanne de Buchane Willelmo de Passlay Andrea Mar et Johanne Coco, et ad dicta difforciamenta probanda idem computans se obligauit sub pena que competit. Item allocantur computanti xij^{li} per difforciamenta sibi facta per Robertum filium Duncani et Fergusium filium ade pro defectu secte terrarum de Balnefert, Balmacrechy, Balnakerd, Glendocher, Atholia et de *fforthirgill* et ad hec probanda idem computans se obligauit vt supra. Item allocantur computanti xxij^{li} de hominibus comitis de Marr contentis in extractu per indenturam per remissionem Domini Regis. Item allocantur computanti xl^s de Comite Rossie pro defectu secte de fforgundeueny per literam Remissionis domini Regis ostensam super compotum. Item allocantur computanti xl^s per difforciamenta sibi facta per Hugonem

de Roos de Patricio de Rendeley ad quod probanda se obligauit sub pena vt supra. Item allocantur computanti xls per difforciamentum sibi factum per abbatem de Culros ad quod probandum se obligauit vt supra. Item allocantur computanti xl., per difforciamentum sibi factum per priorem de Inchmacholmok ad quod probandum se obligauit vt supra. Summa huius expense Lxxj^{li} vj^s et viij^d.

Reg. Mag.
Sig., Lib. i.
No. 42.

CROWN CHARTER to ROBERT, son of Duncan of Athole, of the half of the Lands of Ferdalle. 24th May 1362.

David Dei gracia Rex Scotorum. Omnibus probis hominibus tocus terre sue clericis et laicis salutem: Sciatis nos dedisse concessisse et hac presenti carta nostra confirmasse Roberto filio Duncani de Atholia pro homagio et seruicio suo medietatem omnium terrarum nostrarum de Ferdalle cum pertinenciis infra vicecomitatum de Perth: Tenendam et habendam eidem Roberto et heredibus suis de nobis et heredibus nostris in feodo et hereditate; per omnes rectas metas et diuisas suas libere quiete integre et honorifice in boscis et planis moris marresiis viis semitis aquis stagnis molendinis multuris et eorum sequelis pratis pascuis et pasturis aucupacionibus venacionibus et piscariis cum fabrilibus et bracinis bondis bondagiis natiuis et eorum sequelis et cum omnibus aliis et singulis libertatibus commoditatibus aysiamenis et iustis pertinenciis quibuscunque, tam non nominatis quam nominatis ad dictam medietatem terrarum spectantibus seu iuste spectare valentibus in futurum. Faciendo forinsecum seruicium nostrum, pro dicta medietate terrarum. In cuius rei testimonium presenti carte nostre sigillum nostrum precepimus apponi: Testibus venerabilibus in Christo patribus Willelmo episcopo Sancti Andree et patricio episcopo Brechinensi cancellario nostro: Roberto Senescalli Scocie Comite de Stratherne nepote nostro Roberto de Erskyne camerario nostro Scocie et Thoma Byset, militibus. Apud Perth xxiii^{io} die Maij anno regni nostri tricesimo tercio.

Reg. Mag.
Sig., Rot. v.
No. 121.
A.D. 1379-
80.

CROWN CHARTER to ALEXANDER STEWART, Knight, Lord of Badenach, of the Lands of Tempar, Garth, and others. 18th October 1380.

Robertus etc, Sciatis nos etc., dilecto filio nostro *Alexandro Senescalli* militi domino de Badenach terras de Tempar Lassintulach Tulachroske Kenachan *Gart* Bufrac cum tercia parte vnus ville que vocatur Lychnoch infra vicecomitatum de Perth, que fuerunt Johanete de Meygners et quas eadem Johaneta vt supra, Tenendas et habendas eidem Alexandro et heredibus suis ac suis assignatis de nobis et heredibus nostris in feodo et hereditate, etc. Reddendo inde nobis et heredibus nostris vt supra annuatim vnum denarium argenti nomine albe firme, apud Perth etc Testibus etc. apud Methfen xvij^o die Octobris anno regni nostri nono.

Minutes of
Evidence in
Mar Peerage
Case, House
of Lords,
1868-72.

EXCERPTS from Extract Registered Charter by KING JAMES I. (or Scotland), dated 12th August 1426, confirming Charter by ALEXANDER STEWART, EARL of MAR and GARUACH, to ALEXANDER DE FORBES, of the Lands of Glencoure, dated 24th December 1409. To which Charter James Stewart (first of Forthergill), brother to said Earl of Mar, is a witness.

Jacobus Dei gratia rex Scotorum omnibus probis hominibus tocus terre sue clericis et laicis salutem Sciatis nos quandam cartam dilecti consanguinei nostri Alexandri Stuart comitis de Mar et de Garuiach factam et concessam dilecto nostro Alexandro de Forbes de Burchis pro suo fidei seruicio sibi impenso et pro toto tempore vite sue impendendo de omnibus et singulis terris suis de Glencarwe de Glencoure et Le Orde cum pertinenciis . . . In cuius rei testimonium sigillum nostrum presenti carte nostre fecimus apponi apud castrum nostrum de Kyncardin vicesimo quarto die mensis Decembris anno Domini millesimo quadringentesimo nono Testibus reuerendo in Christo patre domino Gilberto Dei gratia episcopo Aberdonensi cancellario Scocie Jacobo Steuart fratre nostro Wilelmo de Camera domino de Findoun domino Johanne Nesbit rectore ecclesie de Kyndrome Johanne de Inchmartyn archidiacono Rossensi Secretario nostro . . . cum multis alijs.

CHARTERS AND DEEDS RELATING TO JOHN STEWART OF FORTHIERGILL,
RANNOCH, AND GARTH CASTLE.

TRANSLATION of CROWN CHARTER by KING JAMES II. to JOHN STEWART of Garth, of the Lands of Forthiergill, dated 30th October 1455.¹

Athole
Charter-
Room.

James, by the grace of God King of Scots, to all good men of his whole land, clergy and laymen, wisheth health: Wit ye us to have given, granted, and at feu-farm set, and by this our present charter to have confirmed, to our lovit and faithful John Stewart of Gart, all and whole our lands of Forthirgil, with the pertinents, lying within the shire of Perth: To hold the foresaid lands of Forthirgil, with the pertinents, to the said John Stewart and his heirs, of us, our heirs and successors, in feu-farm and heritage for ever; by all their just, ancient, and divided meithes, as they lie in length and breadth, in woods, plains, muirs, marshes, ways, paths, waters, pools, streams, meadows, pastures, and grazings, mills, multures, and their sequels, fowlings, huntings, fishings, peat-mosses, divots, coal heuchs, stone and lime workings, brewhouses, brushwoods, and plantings, with courts and their issues, herezelds, bludewits, and merchets of women, and with all other and sundry liberties, commodities, and easements, and their just pertinents whatsoever, as well not named as named, belonging, or that may in any way whatever happen justly to belong in future, to the said lands, with the pertinents, freely, quietly, fully, wholly, honourably, well, and in peace, without any withholding or obstacle whatever: Rendering therefor yearly, the said John and his heirs, to us, our heirs and successors, ten and eight pounds of the usual money of our kingdom, in name of feu-farm only: In witness of which thing, to this our present charter we have commanded our great seal to be affixed. The witnesses being the reverend fathers in Christ, Thomas, bishop of the church of Dunkeld, and George, bishop of the church of Brechin; William, Earl of Orkney and of Caithness, lord of Saintclair, our chancellor and wel-beloved cousin; our beloved cousins, Thomas, lord Erskyne, Patrick, lord Glamis, James, lord Hamilton, Robert, lord Lile, Mr. Richard Forbes, master of our Rolls, and William of Moray of Tulibardin: At Perth, the penult day of October, in the year of God one thousand four hundred fifty-five, and of our reign the nineteenth.

NOTARIAL INSTRUMENT on Indenture between SIR ANDREW OGILVY of Inchmartine and JOHN STEWART of Rannoch anent the Lease of Strathardill. Indenture dated 6th July 1460; Instrument, 28th June 1461.

Athole
Charter-
Room.

In Dei nomine amen Anno Incarnacionis dominice millesimo quadringentesimo sexagesimo primo, mensis vero Junii die vicesimo octauo, indiccione nona pontificatus Sanctissimi in Christo patris et domini nostri domini Pii diuina prouidencia pape secundi anno tercio; In mei notarii publici et testium subscriptorum presencia personaliter constitutus honorabilis vir dominus Andreas de Ogilvy de Inchmertyne miles, quandam Indenturam papiream sigillis honorabilium virorum viz: Johannis Stewart de ffortherkill, Roberti de Abirerumby, Thome Wardropar et Jacobi Govane burgensis de Perth, rubea cera sigillatam, sanam integram et non suspectam mihi notario publico subscripto perlegendam copiam et transumendam presentauit, Cuiusquidem litere tenor sequitur sub hac forma et est talis: This Indentur made at Perth the sext day of the moneth of Julii the yher of God a thousand four hunder and sixty proportis and beris vytnes in maner and forme as eftir folowis,—that is to say that it is accordyt betuyx honorabill men Schire Androw of Ogilvy of Inchmertyne knyght on the ta pairt and Johne Stewart of the Rannoche on the tothir pairt that is to say the said Schire Androw wyth consent and assent of Daud of Ogilvy his sonn and ayr has set and² . . . to the said Johne Stewart his chemys of Strathardill wyth all his pairt of the . . . nyne yher next

¹ See facsimile of this Charter, No. 1.

² Blanks occasioned by the wasted condition of the original.

folowand his entra the quhilk befor the date of this wryte wyth court playnt and chete of court march power to set the said landis als oft as hym thynk spedefull the court of persoun reseruit to the said Schire Andro and of all vthir personis of huntyne and gren gider of all fruitis bygane safand to the said Johne Stevart the price of all distroyit byggyngis that may be reconerit be the law; the said Johne Stewart payand yherly to the forsaid Schire Andro his ayeris or assignais twenty markis of vsuell mone of Scotland, for the said pairt of his landis, and four markis for his saide chemys, at tua vsuell termys in the yhere that is to say vitsonday and martymes be evin porcionis; And giff it sall happyn in ony tyme to cum wythin the termys forsaide the said chemys or ony pairt of it to be reconerit fra the said Schire Andro be the Law, sa fer as it is of vale that happynnis to be reconerit sall be defaultkyt to the said Johne Stewart of the four markis of male at he suld haff gevyn me yherly tharfor: Alsua the said Johne Stewart sall ger and furthir at his gudely power the saide Schire Andro be assythit of all malis of the said landis sen the dede of the erle of Craufurde that last dissesyt awand till hym of all strenzeabill dettouris and defend the said landis and vphald the biggynis and woddis wndistroyit in als gude forme or better than he fyndis thaim, and as thai war his awyn propyr heretagis, for all the tyme of his tak, And at the Ischay of it giff our the said landis wyth gude will and kyndnes; And all thir condicionis befor vryttyn and specialy the payment of the malis of the forsaid landis to kepe and fullfill we the saide Johne Stevart, Robert of Abercrumby of that ilk, Thome Vardropar of the Gothnys and Jamys of Gufane burges of Perth, oblis ws our ayeris and all our landis and gudis be style of obligacioun coniunctly and ilk ane of vs seueraly be our self, And I the said Schire Andro in lyke maner to thaim all fraude and gyle excludit and vterly away put, And for the mar sekyrnes to the pairt of this indentur remaynand wyth the saide Johne Stewart, the selis of the saide Schire Andro and David his sonn ar to put; And to the pairt remaynande wyth the saide Schire Andro the selis of the said Johne Robert Thomas and Jamys ar to put, zer day and place befor vryttyn. Post cuiusquidem indenture lecturam inspecturam et diligenter examinaturam dictus dominus Andreas per me Notarium publicum sibi fieri peciit publicum instrumentum siue transumptum vt ipsi transumpto fides adhibeatur futuris temporibus sicut originalibus: Acta et lecta fuerunt hec Apud ecclesiam de Kynspyndy, anno die mense indiccione et pontificatu quibus Supra: Presentibus ibidem honorabilibus et prouidis viris, domino Willelmo Charteris de Kanguor, milite, Petro de Cochrane de Petfour, Patricio Bruse, magistro Alexandro de Balcancole vicario de Kynspyndy, Johanne Scot de ffyngask, David Charteris, domino Jacobo Flemyng notario publico testibus ad premissa vocatis specialiter et rogatis.

Et ego Johannes Hude presbiter Sanctiandree dyocesis publicus auctoritate imperiali Notarius premissis omnibus et singulis dum sic vt premittitur fierent agerentur et dicerentur vna cum prenomminatis testibus presens interfui eaque omnia et singula sic fieri ac dici vidi et audiui et in notam sumpsi Ideoque hoc presens publicum instrumentum siue transsumptum manu mea propria subtus et super conscriptum exinde confeci signoque meo solito et consueto signaui rogatus et requisitus in fidem et testimonium veretatis omnium et singulorum premissorum.

Athole
Charter-
Room.

NOTARIAL INSTRUMENT on the Consent of SIR ANDREW GRAY, grandson of Andrew Lord Gray, to the Sale of the Lands of Killibroach and Dysert to JOHN STEWART of Forthergil, dated 12th August 1462.

In Dei nomine Amen Anno incarnationis dominice millesimo quadringentesimo sexagesimo secundo mensis vero Augusti die duodecimo indiccione decima pontificatus Sanctissimi in Christo patris et domini domini nostri Pii dinina providencia pape secundi Anno quarto in mei notarii publici et testium subscriptorum presencia personaliter constituti nobilis dominus Andreas dominus le Grey ex parte vna et Robertus mersare burgensis de Perth et Thomas Wardropar de Gothynnis procuratores et nomine procuratorio ut asseruerunt nobilis et potentis viri Johannis Stewart de forthirkil ex parte altera

prefatus uero dominus vtraque parte in forma que sequitur asseruit et declarauit quod ipse et Elisabeth sponsa sua et Patricius Grey de Kynnef ipsorum filius miles vendiderunt et alienauerunt prefato Johanni Stewart et heredibus suis terras de Killibroach et Disert iacentes in comitatu Atholie infra vicecomitatum de Perth sibi prefato Andree domino Gray prouenientes et heredibus suis ratione mobilis monete maritagii cum prefata sponsa sua cum quadam litera reuersionis facta eidem per dictum Johannem prout in euidentiiis desuper confectis plenius continetur. Et ad hoc fideliter obseruandum futuris temporibus consensum et assensum etiam nobilis viri Andree Grey militis nepotis ipsius domini et heredis ac filii dicti Patricii Grey militis dicto Johanni Stewart ut asseruit pro suo interesse in premissis optinere promisit. Quiquidem Andreas Grey miles ibidem personaliter astans in presencia dicti domini aui sui et procuratorum dicti Johannis Stewart ac multorum aliorum coram etiam Gilberto Brown vno balliorum burgi de Perth in pretorio eiusdem pro tribunali sedente ad huius vendicionem et alienacionem dictarum terrarum cum pertinenciis necnon cartis et litera reuersionis ut premittitur factis suis consensum et assensum ibidem libere prebuit et donauit et ad seruandum huius modi vendicionem et alienacionem dictarum terrarum cum pertinenciis ac condicionem inter prefatas partes occasione earundem factas et quod nunquam per se nec per quancunque aliam personam nomine suo opponeret aut contradiceret sed fideliter seruaret tacta ibidem ymagine sancte crucis iurauit sollempniter ac iuramentum prestitit corporale: Super quibus omnibus et singulis prefati Robertus Mersare et Thomas Wardropar procuratorio nomine dicti Johannis Stewart a me notario publico sibi fieri pecierunt vnum vel plura publicum instrumentum seu publica instrumenta: Acta fuerunt hec in pretorio burgi predicti hora quasi vndecima ante meridiem sub anno die mense indiccione et pontificatu suprascriptis: Presentibus ibidem prouidis viris Gilberto Brown balliuo, Andrea Charteris, Johanne Quhytsoun, Johanne Chawmer, Willelmo Scoule, cum multis aliis: Et ad maiorem huius instrumenti euidentiam dicti Robertus et Thomas procuratorio nomine quo supra sigilla dictorum Gilberti Brown balliui, ac Andree Charteris et Johannis de Camera, burgensis dicti burgi de Perth, huic instrumento appendi cum instancia procurarunt, vna cum sigillo ipsius Andree Grey militis in primo loco appendente ad exprimendum consensum ipsius ad predicta.

Et ego Henricus Roberti presbiter Dunblanensis diocesis publicus Auctoritate Imperiali Notarius premissis omnibus ut supradictis dum sic ut premittitur agerentur dicerentur et fierent vna cum prenomminatis testibus presens interfui eaque omnia et singula sic fieri et dici vidi et audiui et in notam recepi a qua hoc presens publicum instrumentum manu aliena me aliis arduis ocupato negotiis conscriptum extraxi et in hanc publicam formam redegi Signoque nomine meis solitis et consuetis signaui vnacum dicti Andree militis sigilli ceterorumque sigillorum ut prefertur procuratorum appensione hic me subscribendo Rogatus et requisitus in fidem et testimonium omnium premissorum interlineacionem huius verbi conscriptum approbo cum premissis.

CHARTER by ANDREW LORD GRAY, with consent therein mentioned, in favour of JOHN STEWART of Forthergil, of the Lands of Killibroach and Disert. Dated 23rd August 1462.

Athole
Charter-
Room.

Omnibus hanc cartam visuris vel audituris Andreas Dominus le Gray eternam in Domino Salutem: Noueritis me cum consensu et assensu precarissime sponse mee Elisabeth Gray, necnon filii mei primogeniti Patricii Gray de Kynnef, ac filii sui primogeniti Andree Gray militum, vtilitateque nostra in omnibus prepensata vendidissem ac titulo pure vendicionis a me heredibus meis et assignatis pro perpetuo alienasse et hac presenti carta mea confirmasse, Nobili viro Johanni Stewart de forthirkil, omnes et singulas terras meas de Killibroach et Disert, cum suis pertinenciis iacentes infra comitatum Atholic et vicecomitatum de Perth, nunc baronie mee de Langforgund annexas,

infra vicecomitatum predictum, pro certa summa pecunie ordinata ad redempcionem terrarum de Broxmouth, cum pertinenciis iacentium infra vicecomitatum de Tevidale, mihi per dictum Johannem pre manibus gratanter et plenarie pre manibus persoluta; de qua quidem summa pecunie fateor me bene contentum et plenarie persolutum, dictumque Johannem heredes suos executores et assignatos de eadem in perpetuum quietosclamo: Tenendas et habendas omnes et singulas prefatas terras de Killibroach et Disert, cum suis pertinenciis dicto Johanni heredibus suis et assignatis, de me heredibus meis et assignatis, in feodo et hereditate in perpetuum, per omnes rectas metas suas antiquas et divisas in moris marresiis boscis planis pratis pascuis et pasturis viis semitis aquis stagnis riolis molendinis multuris et eorum sequelis, cum aucupacionibus venacionibus piscacionibus petariis turbariis carbonariis lapicidiis lapide et calce brueriis brasinis fabrilibus et genestis, cum curiis et earum exitibus, eschaetis bludwitis et merchaetis mulierum, ac cum omnibus aliis et singulis libertatibus commoditatibus et asiamentis ac iustis suis pertinenciis quibuscunque, tam non nominatis quam nominatis, tam subtus terra quam supra terram, tam procul quam prope, ad dictas terras cum pertinenciis spectantibus seu iuste spectare valentibus in futurum, libere quiete plenarie integre honorifice bene et in pace, sine retenemento reuocacione aut obstaculo quibuscunque: Reddendo inde annuatim dictus Johannes heredes sui et assignati mihi heredibus meis et assignatis vnum denarium monete Scotie currentis pro tempore, super solum dictarum terrarum nomine albefirme si petatur tantum, pro omni alio onere servicio exaccione seu demanda que de dictis terris cum suis pertinenciis per me heredes meos aut assignatos exigi poterunt in futurum quomodolibet vel requiri; Assigno preterea Johanni predicto heredibus suis et assignatis omnes et singulas terras meas iacentes infra quoscunque vicecomitatus regni pro securitate et waranto prefatarum terrarum de Killibroach et Disert cum suis pertinentiis, itaque si non poterint eisdem gaudere pacifice habebunt recursum ad quascunque alias terras meas vbi eis melius placuerit, fraude et dolo seclusis quibuscunque; Et ego predictus Andreas cum consensu et assensu prefatorum Elisabeth, Patricii, et Andree, heredes mei et assignati, dictas terras de Killibroach et Disert cum suis pertinenciis, prenominato Johanni heredibus suis et assignatis, in omnibus et per omnia forma pariter et effectum, ut est dictum, contra omnes mortales warantizabimus acquietabimus et in perpetuum defendemus: In cuius rei testimonium sigillum meum presentibus est appensum vna cum sigillis dictorum Elisabeth Patricii et Andree militum ad exprimendum eorum consensum ad predicta, apud Perth vicesimo tercio die mensis Augusti Anno Domini millesimo quadringentesimo sexagesimo secundo. Testibus Johanne Schawmer de Strathite Johanne Haddyntowne et Domino Thoma Irland cum multis aliis.

Grantully
Charters.

CHARTER by JOHN EARL of ATHOLIE to JOHN STEWART of Furthirkill of the Lands of Edderdagonat
(Eddardynat). 24th February 1465.

Omnibus hanc Cartam visuris vel audituris, Johannes comes Atholie et dominus de Balvany, salutem in Domino sempiternam: Sciatis nos dedisse, concessisse, et hac presenti carta nostra confirmasse dilecto consanguineo nostro Johanni Stewart de Furthirkill, omnes et singulas terras de Eddirdagonat cum pertinenciis, iacentes in comitatu nostro Atholie, infra vicecomitatum de Perth: Que quidem terre cum pertinenciis fuerunt dilecti consanguinei nostri Siluestri de Rettre de eodem hereditarie, et quas terras cum pertinenciis idem Silvester, non vi aut metu ductus, nec errore lapsus, sed mera et spontanea voluntate sua in manus nostras per fustem et baculum personaliter sursum reddidit, pureque et simpliciter resignavit, ac totum ius et clameum que in dictis terris cum pertinenciis habuit seu habere potuit, pro se et heredibus suis, omnino quietumclamaui in perpetuum: Tenendas et habendas omnes et singulas prenomintas terras Eddirdagonat cum pertinenciis predicto Johanni Stewart, heredibus suis et suis assignatis, de nobis et successoribus nostris, in feodo et hereditate in perpetuum, per omnes rectas metas suas antiquas et diuivas, et boscis, planis, moris, marresiis, siluis, aquis, stagnis, pratis, pascuis, et pasturis, molendinis,

multuris et eorum sequelis, aucupacionibus, venacionibus, piscacionibus, fabrinis et brasiniis, ac cum curiis et curiarum exitibus, herizeldis, bludwitis et merchetis mulierum, cum communi pastura ac libero introitu et exitu, necnon cum omnibus aliis et singulis libertatibus, commoditatibus et aisiamentis, ac iustis suis pertinenciis quibuscunque, tam non nominatis, quam nominatis, tam subtus terra quam supra terram, tam prope quam procul, ad predictas terras de Eddirdagonat cum pertinenciis spectantibus, seu iuste spectare valentibus quomodolibet in futurum, adeo libere et quiete, plenarie, integre et honorifice, bene et in pace, in omnibus et per omnia, sicut dictus Silvester aut aliquis predecessorum suorum prenominatas terras de Eddirdagonat cum pertinenciis de nobis aut antecessoribus nostris, ante prefatam resignacionem nobis inde factam, liberius tenuit seu possedit: Faciendo inde nobis et successoribus nostris ac nostris heredibus dictus Johannes Stewart, heredes sui et sui assignati, seruicia debita et consueta, cum communi secta curie nostre: Et nos Johannes, comes supradictus, omnes et singulas dictas terras de Eddirdagonat cum pertinenciis, ac etiam heredes nostri, et nostri successores, prefato Johanni Stewart, heredibus suis et suis assignatis, in omnibus et per omnia, ut premisum est, contra omnes mortales warrantizabimus, acquietabimus, et imperpetuum defendemus. In cuius rei testimonium presenti carte nostre sigillum nostrum apponi precepimus; testibus, honorabilibus viris, videlicet, dominis Jacobo de Creechton de Karnis et Roberto de Abircumby de eodem, militibus, Wilhelmo Blair de Ardblair, Roberto Gall, Roberto Boukill, familiaribus nostris, dominis Thoma de Irland, rectore de Weyme, et Johanne Halden, capellano nostro, notario publico, apud Perth, vicesimo quarto die mensis Februarii, anno Domini millesimo quadringentesimo sexagesimo quinto.

TRANSLATION of Crown Confirmation of Charter by ANDREW LORD GRAY to JOHN STEWART of Forthirkil, of the Lands of Killibroach and Disert, in Atholl. 25th December 1466.

Athole
Charter-
Room.

James, by the grace of God King of Scots, to all good men of his whole land, clergy and laymen, greeting: Wit ye us to have fully understood a certain charter of our lovit cousin Andrew, Lord the Gray, made and granted to our lovit John Stewart of Forthirgyll, of all and sundry the lands of Killibroach and Disert, with the pertinents, lying in the earldom of Atholl, within our shire of Perth, at our mandate seen, read, inspected, and diligently examined, sound, whole, not erased, not cancelled, nor in any part of it suspected, under this form:—To all who shall see or hear this charter, Andrew, Lord le Gray (wisheth) eternal safety in the Lord: Wit ye me, with consent and assent of my most beloved spouse, Elizabeth Gray, also of my first-born son, Patrick Gray of Kynneff, and of his first-born son, Andrew Gray, Knights, our utility in all things being afore considered, to have sold, and by the title of pure vendition, from me, my heirs and assignees, for ever to have alienated, and by this my present charter to have confirmed to a noble man, John Stewart of Forthirkil, all and sundry my lands of Killibroach and Disert, with their pertinents, lying in the earldom of Atholl and shire of Perth, now annexed to my barony of Longforgound within the shire foresaid; for a certain sum of money ordained for the redemption of the lands of Broxmouth, with the pertinents, lying in the shire of Tevidale, fully and thankfully paid to me in advance by the said John; of which sum of money I confess me well contented and fully paid, and quit-claim the said John, his heirs and assignees, of the same for ever: To hold and to be had all and sundry the foresaid lands of Killibroach and Disert, with their pertinents, to the said John, his heirs and assignees, of me, my heirs and assignees, in fen and heritage for ever, by all their right, ancient, and divided measures, in muirs, marshes, woods, plains, meadows, grazings and pastures, ways, roads, waters, pools, streams, mills, mul-tures and their sequels, fowlings, huntings, fishings, peat-mosses, divots, coal heughs, quarries (stone and lime), shrubberies, malt-kilns, smithies, and plantings, with courts and their issues, escheats, bludewits, and marchets of women; and with all other and sundry freedoms, commodities, and easements, and their just pertinents whatsoever, as well not named as named, under the earth as upon the earth, as well far as near, to the said lands

with the pertinents belonging, or that may in future justly belong, freely, quietly, fully, wholly, honourably, well and in peace, without withholding, revocation, or obstacle whatsoever: Rendering therefor annually, the said John, his heirs and assignees, to me, my heirs and assignees, one penny money of Scotland current for the time, upon the ground of the said lands, in name of blench-farm, if asked only, for all other burden, service, exaction, or demand, which might in any way in future, be exacted or required by me, my heirs or assignees, from the said lands with their pertinents: I assign besides, to the foresaid John, his heirs and assignees, all and sundry my lands, lying in whatsoever shires of the kingdom, for security and warrant of the foresaid lands of Killibroach and Disart, with their pertinents, so that if they should not be able to enjoy them peacefully, they shall have recourse to any other lands of mine where it may please them, fraud and deception by whomsoever being secluded. And I, the foresaid Andrew, with consent and assent of the foresaid Elizabeth, Patrick, and Andrew, my heirs and assignees, shall warrant, acquit, and for ever defend the said lands of Killibroach and Disart, with their pertinents, to the aforementioned John, his heirs and assignees, in all and by all things, in form as well as effect, as said is, against all mortals. In witness whereof my seal is appended to these presents, together with the seals of the said Elizabeth, Patrick, and Andrew, Knights, to express their consent to the foresaid, at Perth, 23rd August 1462. These being witnesses, John Chamer of Strathy, John of Hadingtoun, and Sir Thomas Irelande, with many others: Which charter and donation, grant and vendition in the same contained, in all their points and articles, conditions and modes and circumstances whatsoever, in form as in effect, in all and by all, we approve, ratify, and for us, our heirs and successors, as is premised, for ever confirm, saving to us, our heirs and successors, the rights and services from the said lands due and wont to us before this present confirmation: In testimony whereof, to this our present charter of confirmation we have commanded our great seal to be affixed: The witnesses being, the reverend father in Christ, Andrew, Bishop of Glasgow; our beloved kinsman, Andrew, Lord Avendale, our Chancellor; Colin, Earl of Argyll, Lord Campbell, Master of our Household; Robert, Lord Boide; Robert, Lord Lile; Masters James Lindesay, Provost of Lincludane, Keeper of our Privy Seal; David Guthrie of that ilk, Master of our Rolls; and Archibald of Quhitelaw, Archdean of Moray, our secretary; at Perth, 25th December 1466, and of our reign the seventh year.¹

Registrum
Magni
Sigilli,
Liber vii. 98.

ABRIDGMENT of Crown Confirmation of Charter by ANDREW LORD GRAY to JOHN STEWART of Forthergill, of the Lands of Killebronach, etc. 25th December 1466.

Jacobus Dei gracia rex Scotorum omnibus probis hominibus tocius terre sue, clericis et laicis, salutem: Sciatis nos quandam cartam dilecti consanguinei nostri Andree Domini de Gray factam et concessam dilecto nostro Johanni Stewart de Fertirkil, de omnibus et singulis terris de Killebronath et Disert cum pertinentiis jacentibus in comitatu Atholie infra vicecomitatum de Perth, de mandato nostro visam . . . intellexisse sub hac forma: Omnibus hanc cartam visuris vel audituris Andreas dominus de Gray eternam in Domino salutem: Noueritis nos cum consensu et assensu precarissime sponse mee Elizabeth Gray, neonon filii mei primogeniti Patricii Gray de Kinnef ac filii sui primogeniti Andree Gray, militum, vtilitate que nostra in omnibus prepensata, vendidisse . . . nobili viro Johanni Stewart de Fertirkil omnes et singulas terras meas de Killebronath et Disert . . . infra comitatum Atholie . . . , nunc baronie mee de Langfor-
ground annexas, . . . pro certa summa pecunie ordinata ad redemptionem terrarum de Broxmouth . . . infra vicecomitatum de Tevidale . . . michi per dictum Johannem gratanter et integre persoluta, etc.: Tenendas et habendas . . . dicto Johanni, heredibus suis et assignatis, de me, heredibus meis et assignatis, in feodo et hereditate imperpetuum . . . : Reddendo inde annuatim dictus Johannes, heredes sui et assignati michi, heredibus meis et assignatis, vnum denarium argenti monete Scocie . . . si petatur tantum . . . : Assigno preterea Johanni predicto, heredibus suis

¹ See facsimile of No. 2 Charter, of which the above is a translation.

et assignatis, omnes et singulas terras meas jacentes infra quoscunque vicecomitatus regni pro securitate et waranto terrarum prefatarum de Killebronath et Disart Et ego predictus Andreas cum consensu, etc. . . . dictas terras de Killebronath et Disart cum suis pertinentiis prenominato Johanni warrantizabimus In cuius rei testimonium sigillum meum presentibus est appensum vna cum sigillis dictorum Elizabeth, Patricii et Andree, militum Apud Perth, vicesimo tercio die mensis Augusti, anno Domini millesimo quadringentesimo sexagesimo tercio; testibus, Johanne Chaumer de Strathy, Johanne de Hadingtoun, et domino Thoma Yrland cum multis aliis: Quamquidem cartam ratificamus et confirmamus; saluis nobis, heredibus et successoribus nostris, iuribus et serviciis de dictis terris, etc.: In cuius rei testimonium presenti carte confirmacionis magnum sigillum nostrum apponi precepimus; testibus, reuerendo in Christo patre Andrea episcopo Glasguensis; dilectis consanguineis nostris, Andrea domino Avandale, cancellario nostro; Colino comite de Ergile, domino Cambel, magistro hospicii nostri; Roberto domino Boide; Roberto domino Lile; magistro Jacobo Lindesay, preposito de Lincludane, nostri secreti sigilli custode; David de Guthre de eodem, nostrorum computorum rotulatore; et Archibaldo de Quhitelaw, archidiacone Morauienti, secretario nostro. Apud Perth, vicesimo quinto die mensis Decembris anno Domini millesimo quadringentesimo sexagesimo sexto, et regni nostri septimo.¹

ABRIDGMENT of Crown Confirmation of Charter by ALEXANDER STEWART of Garntully to JOHN STEWART of Fortherkill, of the Lands of Petcarne. 25th December 1466.

Registrum
Magni
Sigilli,
Liber vii.
100.

Jacobus Dei gracia rex Scotorum Sciatis nos quandam cartam dilecti nostri Alexandri Stewart de Garntule concessam Johanni Stewart de Forthirgill, de omnibus et singulis terris de Petcarne in baronia de Apnadull infra vicecomitatum nostrum de Perth, de mandato nostro visam, ad plenum intellexisse, sub hac forma: Alexander Stewart dominus de Garntuly Sciatis me vendidisse ac pure vendicionis titulo a me et heredibus meis imperpetuum alienasse honorabili viro Johanni Stewart de Forthirkill totas et integras terras nostras de Petcarne in baronia de Apnadull infra vicecomitatum de Perth, pro quadam certa summa pecunie quam dictus Johannes mihi in mea magna necessitate persoluit Tenendas et habendas omnes et singulas prenomيناتas terras de Petcarne prefato Johanni, heredibus suis et suis assignatis, de me et heredibus meis in feodo et hereditate imperpetuum, per omnes rectas metas sine retinemento et reuocacione quacunque: Reddendo inde annuatim mihi et heredibus meis vnum denarium argenti apud Petcarne antedictum in festo Pentecostis nomine albe firme, si petatur tantum Et ego vero dictus Alexander et heredes mei omnes et singulas prenomيناتas terras de Petcarne cum pertinentiis prefato Johanni in omnibus et per omnia, vt premissum est, contra omnes homines et feminas warrantizabimus per omnes terras nostras et possessiones quascunque infra regnum Scocie existentes, ac sub ypotheca et obligatione omnium bonorum nostrorum In cuius rei testimonium presenti carte mee sigillum meum apposui, hiis testibus; Johanne de Muncreif de eodem; Andrea Charteris preposito burgi de Perth; Roberto Macnare; Thoma Wardrop de Goudis; magistris Symone Thome Vicario de Perth, et Roberto Tode rectore de Longcardy; dominis Thoma Ireland rectore de Weme, et Johanne Michelsoun vicario de Cargill. Apud Perth, secundo die mensis Decembris anno Domini, m^o iiij^o sexagesimo quinto. Quamquidem cartam ratificamus et pro nobis, heredibus et successoribus nostris, vt premissum est, pro perpetuo confirmamus; saluis nobis nostris iuribus debitis et consuetis: In cuius rei testimonium presenti carte nostre magnum sigillum nostrum apponi precepimus; testibus in precedente carta expressatis. Apud Perth, vicesimo quinto die mensis Decembris anno Domini millesimo quadringentesimo sexagesimo sexto, et regni nostri septimo.

¹ Facsimile No. 2 shows this Charter in full.

Registrum
Magni
Sigilli,
Liber vii.
166.

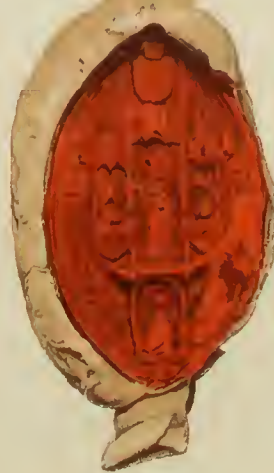
ABRIDGMENT of Charter under the Great Seal to JOHN STEWART of Forthergill, of the Lands of Tulicuran, Dalgarne, etc., in Strathardil. 7th October 1470.

Jacobus Dei gracia rex Scotorum Sciatis nos dedisse confirmasse dilecto nostro Johanni Stewart de Fertergill, totas et integras terras de Tulicuran, Dalgarne, et Glenuacuay cum fortalicio de Glenuacuay in dominio de Strathardil infra vicecomitatum de Perth; que quidem terre cum prefato fortalicio cum pertinentiis fuerunt dilecti nostri Johannis de Ogiluy de Luntrethlin, militis, hereditarie; et quas terras idem Johannes Ogiluy in manus nostras apud Edinburgh per fustem et baculum ac suos procuratores ad hoc legitime constitutos cum consensu et assensu Jacobi de Ogiluy de Poly, filii sui et heredis apparentis sursum reddidit : Tenendas et habendas dictas terras dicto Johanni Stewart et heredibus suis de nobis, heredibus et successoribus nostris, in feodo et hereditate imperpetuum, per omnes rectas metas, et adeo libere sicut dictus Johannes aut prediceores sui predictas terras ante dictam reuocationem tenuit, etc. : Faciendo nobis jura et seruicia debita et consueta. In cuius rei testimonium presenti carte nostre magnum sigillum nostrum apponi precepimus; testibus vltimo expressatis. Apud Edinburgh, septimo die mensis Octobris anno Domini millesimo quadringentesimo septuagesimo, et regni nostri vndecimo.

Athole
Charter-
Room.

TRANSLATION of Charter of JOHN STEWART of Forthergill to the Cathedral Church of Dunkeld, of 12 merks annually. Dated 13th May 1472.

To all who shall see or hear this charter, John Stewart of Forthirgill wisheth health in Him who is of all the true salvation: Wit all of you, me, John aforesaid, with consent and assent of my dearest son and apparent heir, Neil Stewart, in praise and honour of the Holy and undivided Trinity, Father and Son and Holy Spirit, and of the undefiled most glorious Virgin Mary, and of all the holy celestial citizens, and specially of St. Adamnan and St. Columba, confessors, and for the prosperous increase of ecclesiastical service in the Cathedral Church of Dunkeld, and at the altar of St. Adamnan, erected and situated in the same; and with consent and assent of a reverend father in Christ, Thomas, by the grace of God and of the Apostolic See Bishop of Dunkeld, and of the Chapter of the same, for the welfare of the soul of our most serene Prince and Lord, James, by the grace of God most illustrious King of Scots; and of the soul of Lady Margaret his queen; and of my soul, and that of my dearest spouse, Mariot; and of the souls of fathers, mothers, brothers, and specially of Neil Stewart, my late brother, and of sisters; and of the souls of the children; and for the soul of Elizabeth Gordon, spouse of Neil Stewart; and of all ancestors and successors; also of the souls of all to whom we are debtors; and of those in regard to whom in any way in this life we have failed in duty; and of the souls of those of whom we have received any goods, movable or immovable, for which we have not made due and worthy satisfaction, or before we pass from this life of misery shall not have made; and of the souls of all the faithful dead, in all the best manner, way, law, and form which I can or am able to do, to have given and granted, and in pure and perpetual charity to have delivered and annexed, with lawful sasine thereon following; also the said gift, grant, and annexation, for me and my heirs, by this present charter to have for ever confirmed, to one priest, for the times coming, to serve God, when to this he may be disposed, all manner of fraud and guile removed, at the above said altar of St. Adamnan, twelve merks of annual-rent, first and principally furthcoming from all and sundry my lands of Twlicwrane and of Dalnagarne, with the pertinents, lying in Strathardil, within the shire of Perth; to be levied and taken by the foresaid priest, duly presented to the said chaplaincy and altar, and his successors, chaplains of the said chaplaincy, at two terms of the year, namely, the feasts of Pentecost and St. Martin in winter, into his own hands, by equal portions: To hold

[illegible]

and to be had the said annual-rent of twelve merks, from all and sundry my fornamed lands, with the pertinents, to the said altar and priest, who for the time may be, and his successors, as is premised, serving God; which lands with the pertinents, not being distrainable, and the said annual-rent of twelve merks, as is premised, from whatever cause not being paid, from all and sundry my lands of Forthirgill, Broakane, and Petordeny, with the pertinents, lying in the said shire of Perth, and from all others my lands, and annual-rents, with the pertinents accruing, or that may in any way in future accrue to me; in pure and perpetual alms, from me and my heirs for ever, with all and sundry freedoms, commoditics, and easements, and their just pertinents whatsoever, to the said annual-rent of twelve merks with the pertinents belonging, or that may in any way in future justly belong, freely, quietly, fully, wholly, honourably, well and in peace, in all and by all things, as any alms in the kingdom of Scotland is given by any one to any other, or in any manner possessed: Reserving the right of patronage of the said chaplaincy and altar to me for all the time of my life; and after my decease I make, constitute, and infallibly ordain my heirs patrons of the said chaplaincy and altar for ever; and if my heirs shall be negligent, so that within forty days after the said chaplaincy shall have become vacant in their hands, they shall not have presented a sufficient chaplain to the said chaplaincy, and of the vacancy of the same shall be well and truly informed; in that case, as often as it shall happen, it shall be lawful to the Dean and Chapter of the said Cathedral Church of Dunkeld, who for the time shall be, alone to present a sufficient chaplain to the said chaplaincy, without prejudice of my heirs of their patronage in time to come: And I will also that my said chaplain who for the time shall be presented to the said chaplaincy, shall make continual and personal residence in the city of Dunkeld by himself, and not by another; and if he shall absent himself from the said city for twenty-four days together concurrent without licence of the true patron or his lieutenant, it shall be lawful to the patron for the time being to dispoise upon the said chaplaincy, and to present a sufficient chaplain to the same, and to remove him who by negligence absents himself from the same, by his own proper authority, without process of any judge or of the law: Moreover, if it shall happen (which may it not!) my heirs, or any other persons who can be considered my heirs, to hinder my said chaplain or his successors in any way whatever, so that he or they shall not be able peaceably to enjoy the said annual-rent of twelve merks, as is premised from my said heirs, their lands, annual-rents, and goods movable and immovable, as often as it shall so happen, twenty merks of the usual money of Scotland shall be levied and uplifted from the lands and goods above written by the Lord Bishop of Dunkeld and his successors annually, to the use of the said chaplain and his successors: And to the payment of the said sum of twenty merks, I, by these presents, firmly bind my heirs in the case premised; so that the said chaplain and his successors may in divine offices, according to the tenor of these presents, reside in the place afore-written, and from thence have food and clothing for their sustenance, all kind of fraud and guile being removed; And I truly the foresaid John and my heirs shall warrant, acquit, and for ever defend against all deadly, the said annual-rent of twelve merks from my said lands of Twlicwrane and Dalnagarne, with the pertinents; which lands not being distrainable, and, from whatever cause, not paying the said annual-rent of twelve merks, from all and sundry my foresaid lands of Forthirgill, Broakane, and Petordeny, with the pertinents, and from all others my lands and annual-rents, with the pertinents accruing, or that in any way whatever may accrue to me in future, in pure and perpetual alms to the said altar and priest there serving God, and his successors, chaplains of the said chaplaincy, in all, and by all things, as is premised, and by all my goods movable and immovable, to be distrained, taken, and for the not paying of the said annual-rent to be sold and alienated for the full and whole payment of the said annual-rent of twelve merks, by the said priest and his successors as often as need shall be: In witness of the which thing my seal, together with the authentic seal of the foresaid reverend father in Christ, Thomas, Bishop of Dunkeld, to this my present charter is appended: And I, Neil Stewart, son and apparent heir of the said John, because

I have no seal of my own, have procured with instance the seal of a discreet man, Sir Thomas Ireland, rector of the Parish Church of Weyme, to be affixed to these presents, in testimony of my consent and assent to the premisses, and in form and effect of my proper seal: these being witnesses, Alexander Stewart of Garntwly; Sir Ranald Coly, priest; Duncan of Cardeny of Foss; Andrew Rollok of Duncroub; Robert Menzies of Comry; Robert M'Nare; William Ayson; Duncan Beg M'Gregour; Donald M'Quhen; and John Molloch Makgebon, with divers others. At Perth the thirteenth day of the month of May, in the year of the Lord a thousand four hundred and seventy-second.¹

Registrum
Magni
Sigilli,
Liber vii.
74.

CONFIRMATION by KING JAMES III. under the Great Seal of a Charter by ALEXANDER CUNINGHAM of Achinbowy to JOHN STEWART of Forthergill, of the Lands of Strathardill. 28th November 1473.

Jacobus Dei gracia rex Scotorum omnibus probis hominibus tocius terre sue, clericis et laicis, salutem: Sciatis nos quandam cartam dilecti nostri Alexandri Cunynghame de Achinbowy factam et concessam dilecto nostro Johanni Stewart de Forthirgill de terris de Strathardill cum pertinenciis jacentibus in dominio de Strathardill infra vicecomitatum nostrum de Perth, de mandato nostro visam, lectam, inspectam, et diligenter examinatam, sanam, integram, non rasam, non cancellatam, nec in aliqua sua parte suspectam, ad plenum intellexisse sub hac forma: Omnibus hanc cartam visuris vel audituris, Alexander Cunyngham de Achinbowy salutem in Domino sempiternam: Sciatis me non vi aut metu ductum nec errore lapsam, seu fraude aut dolo circumventum, sed mea mera et spontanea voluntate vtilitateque mea preuisa, considerata, et ad plenum intellecta, concessisse, vendidisse, ac pure vendicionis titulo a me, heredibus meis imperpetuum alienasse, necnon et hac presenti carta mea confirmasse honorabili viro Johanni Stewart de Forthirgill, omnes et singulas terras meas de Strathardill cum pertinenciis jacentibus in dominio de Strathardill infra vicecomitatum de Perth, pro quadam certa summa pecunie quam prefatus Johannes michi in mea magna et vrgenti necessitate pre manibus gratanter et integre persoluit in peccunia numerata, de qua quidem summa peccunie teneo me bene contentum et totaliter persolutum dictumque Johannem, heredes suos, executores et assignatos inde quietelamo presentis carte per tenorem: Tenendas et habendas omnes et singulas prenomatas terras meas de Strathardill cum [pertinenciis] predicto Johanni, heredibus suis et suis assignatis de me et heredibus meis in feodo et hereditate imperpetuum, prout jacent in longitudine et latitudine per omnes rectas metas suas antiquas et diuisas, in boscis, planis, moris, marresiis, montibus et collibus, pratis, pascuis et pasturis, viis, semitis, aquis, stangnis, riuelis, siluis, lacubus, petariis, turbariis, carbonariis, et columbariis, brueriis, et genestis, cum lapide et calce, fabrilibus et bracinis, molendinis, multuris et eorum sequelis, aucupacionibus, venacionibus, piscacionibus, cum curiis et curiarum exitibus, bludewitis, herizeldis et merchetis mulierum, cum communi pastura, cum libero introitu et exitu, ac cum omnibus aliis et singulis libertatibus, commoditatibus, et asiamentis, ac justis suis pertinenciis quibuscunque, tam non nominatis quam nominatis, tam subtus terra quam supra terram, procul et prope, ad predictas terras cum pertinenciis spectantibus seu juste spectare valentibus quomodolibet [in] futurum, libere, quiete, plenarie, integre, honorifice, bene et in pace, sine retinemento seu reuocacione quacunque; Reddendo inde annuatim dictus Johannes et heredes et sui assignati michi et heredibus meis vnum denarium argenti in festo Penthecostes super solum dictarum terrarum de Strathardill, nomine albe firme, si petatur tantum, pro omni alio onere, exaccione, questione, seruicio seculari seu demanda, que de dictis terris cum pertinenciis per quoscunque juste exigi poterunt quomodolibet vel requiri: Et ego dictus Alexander heredes meique, omnes et singulas prenomatas terras de Strathardill cum pertinenciis prefato Johanni, heredibus et suis assignatis adeo libere et quiete, in omnibus et per omnia, ut premissum, per omnes terras nostras, annuos redditus, et possessiones, contra omnes mortales warantizabimus, acquietabimus, et imperpetuum defendemus: In cuius rei testimonium sigillum meum huic presenti carte mee est appensus; testibus, Johanne

¹ See facsimile of original, No. 3.

Maxwell de Calderwod, milite, Patricio Maxwell dicti Johannis fratre germano, Georgeo Graham, Archibaldo Cunyngham, Johanne Ray, David Haye, et dominis Thoma Yreland rectore de Weme, et Ranaldo Oely, capellanis, et eciam cum diuersis aliis. Apud Perth, decimo quinto die mensis Nouembris anno Domini m° cccc° lxxij°. Quamquidem cartam, ac donacionem, concessionem, vendicionem, et alienacionem in eadem contentas, in omnibus suis punctis et articulis, condicionibus et modis ac circumstanciis suis quibuscunque, forma pariter et effectum in omnibus et per omnia approbamus et ratificamus, et pro nobis, heredibus, et successoribus nostris, vt premissum, pro perpetuo confirmamus; saluis nobis, heredibus et successoribus nostris, wardis, releuiis, maritagis, iuribus et seruiciis de dictis terris ante presentem confirmationem nobis debitis et consuetis: In cuius rei testimonium presenti carte nostre confirmationis magnum sigillum nostrum apponi precepimus; testibus ut in carta precedente. Apud Edinburgh, vicesimo octauo die mensis Nouembris anno Domini m° cccc° lxxij, et regni nostri decimo quarto.

REVERSION by JOHN STEWART of Forthgill in favour of SILVESTER RATTRAY of that ilk, his sister's son, of the Lands of Granycht. Dated 6th December 1474.

Athole
Charter
Room.

Be it kend till all men be thir present letres me Johne Stewart of fforthgill to be bundun and oblist And be thir present letres and the faith in my body bindis and oblistis me myn ayeris and assignais till my derrast sister son Siluester of Rettra of that ilk his ayeris and assignays, that quhat tyme the said Siluester his ayeris or assignais sal pay to me myn ayeris or assignais the sounne of aucht skore of markis of vsuale monee of Scotland al togidder and at anis vpon a day betwyx the rysing of the soun and the togangyn of that ilk wythin the parisch kyrk of the burgh of Perth and vpon the hee altar of the samyn but fraud or geile I myn ayris and assignais sal frely vpgiff delyuer and resyng in the handis of the said Siluester his ayris or assignais payaris of the said auch skor of markis al and haill the landis of Grannycht wyth thar pertinentis liand in the erldom of Athoil and the schirefdom of Perth, the quhilkis landis wyth thar pertinentis I haue of the said Siluester be playn charter of alienacioun and possessioun giffyn tharvpoun Sa that I myn ayris or assignais possessoris of the saidis landis of Grannycht wyth thar pertinentis beis warnyt be the said Siluester his ayris or assignays in my propyr person or in thar propyr personis, or at my duellyng plaice or thar duellyng plaicis on fourty days warnyng obefor to the resait of the saidis aucht skor of markis and to the giffyn vp of the said landis wyth thar pertinentis, wyth charter, possessioun, and al vther wyrtys maid to me be the said Siluester tharvpoun And I myn ayris and assignays sal nocht absent me nor thaim fra the resait of the said auch skor of markis and the vpgiffyn of the said landis of Grannycht wyth thar pertinentis, the warnyng beand maid as said is obefor the quhilk sounne of monee beand payt I myn ayris nor assignays sal neuer mak forthar claym questioun nor demand in nor to the said landis nor to ony part of thaim wyth thar pertinentis bot salbe tharfra alvterly excludit And to the fulfilling and keypyng of all and sindry punctis and clausis forsaid to the said Siluester his ayris and assignays I Johne oblis me myn ayris and assignays in mast seker forme and styill of obligacioun that can be maid but fraud or geile as said is In witnes of the quhilk thyng to thir present letres of my Reuersioun I have appensit my seile befor thir witnes, Johne of Rettra son and apperand ayer to the said Siluester Robert Maknar Alexr. Gibbonson, schiris Ranald Coly Androv Ranaldson and Johne of Kynmontht chaplanis and notar wyth vtheris diuers at Perth the sext day of the moneth of December the zer of God a thousand four hundreth sewynti-and-four zeris.

DEEDS RELATING TO NEIL (I.) OF FORTHERGILL AND GARTH.

Athole
Charter-
Room.

INDENTURE between JOHN EARL of ATHOLL and NEIL STEWART of Forthergill, whereby the Earl consents to forego his claims to certain tacks and offices held by the said Neil Stewart ; who, on his part, freely engages to be "man" to the Earl, excepting his allegiance to the King and Queen and Earl of Huntly. He also agrees to bestow his son and apparent heir, Alexander Stewart, in marriage with the Earl's daughter Christian ; and in the event of the decease of Alexander, to give his second son, Neil Stewart, etc., under the penalty of 1000 merks, payable by the party violating the Indenture to the other, and 500 merks to the King. Dated at Edinburgh, 22nd January 1477.

Thir endenturis maid at Edinburgh the xxij day of Januare the zere of oure Lorde a thousand foure hundrethe sevintj-and-sevin zeris proportis and beris witness In thame-self In forme and effect as eftir folowis that is to say that It is appointit and fully accordit betuix ane richt noble and mighty lord Jhone Erle of Athole and lord of Balvany on the ta pairt and Neill Stewart of Forthirgill on the tother part anent all questions and debatis movit be the said lord Erle aganis the said Neill And specially anent the desyring of the said Neillis takkis officis and rowmis that the said lord Erle sal neuer in tyme cuming laboure nor ger laboure for the takkis nor officis of the said Neillis the quhilkis his fader broukit of before in priva nor in apart and sal haue na eye therto in tyme cuming ; for the quhilkis cause and gude lordschip to be done be the said lord Erle to the said Neill, the said Neill has of his awin fre will becumyn man to the said lord Erle for all the dais of his life, excepting his allegiance and service till oure Souerane lord the King, the quene, the Chancellare and the Erle of Huntlee, and sal gif to the said lord Erle his letres of manrent vndir his sele therapone in deue forme incontynent And the said lord Erle sal gif the said Neill his letres of maineinance for all the said Neillis lif, in deue forme as efferis : And attour for the said cause and vthiris diuerse the said Neill has frely gevyn to the said lord Erle the mariage of Alexander Stewart his sone and apperand aire, to be maryt with Cristiane dochter to the said lord Erle, and falezeing of the said Alexander be decesse or the completing of the said mariage with the said Cristiane, then Neill Stewart brother germane to the said Alexander, and secound sone to the said Neill thare fader, sal complete the said mariage with the said Cristiane : And falezeing of the said Cristiane be decesse, the said mariage to be completit with ony vtheris of the said lord Erllis dochteris lauchefully gottin or to be gottyn ; And swa the said mariage always to be fulfillit and faithfully keepit quhil the said lord Erle has ony dochter or the said Neill a sone lauchefully gottin or to be gottin : And falezeing of the said lord Erllis dochteris be dede or disassent It sal be lenefull to the said Neill to dispone apon his sonis mariage at his awin fre will, for his vtilite and profite : And attour quhen euer the barnis of bathe the parteis foresaid beis of lancheful agis the mariage sal God willing be lauchfully completit in the visage of hali kirk : And within fourty dais next eftir the completing of the said mariage the said Neil sal geve and mak to be gevin in junctfeftment to the said Alexander and Cristiane, and falezeing therof as said is, to ony vtheris of the said Neillis sonis and the saide lordis dochteris, completaris of the said mariage fourtj merkis worth of landis zerely, to thame and to thare lyving, and to the airis to be gottyn betuix thame, liand on the south half of the monthis in computable placis in deue forme : And gif it misteris ony purchase or dispensacions to be gottyn for the completing of the said mariage betuix the said partiis, the said lord sal mak the tane half of the expense and the saide Neill the tother half : And gif it happinis as God forbede the said mariage to faleze in the said Neillis defalt be disassent evill or wantonnes be himself or ony of his sonis gottyn or to be gottyn ony maner of wayis bot be aventure of dede alanerly, than the said Neill obliissis him and his airis thare landis and gudis in the straitest stile of obligacione to pay to the said lord Erle his airis or assignais the sonme of a thousand merkis of vsual moneye of Scoitland within fourtj dais, as propir dettis efter that the said Neill or his airis be

requirit be the said lord Erlle or ony of his dochteris beand of laucheful age to complete the said mariage and fulfillis nocht the samyne; and anent the balezery of Strabrawin the said lord has consentit that the said Neill be deput to him incontynent of the said balezery vnto the completing of the said mariage, and sal gif the said Neill his letres thairapon And at the completing of the said mariage, the said lord sal geve our the said balezery to the said Alexander or to ony of the said Neillis sonis that happinis to complete the said mariage with all profitis and mak the laboure and expense at oure Souerane lordis hand thairapon; and gif it happinis, as God forbede to do, ony contraversiis or debatis betuix the said lord Erlle of Atholl and the Erlle of Huntlee in tyme cuming the said Neill and all that he may lett sal desist and tak na part with nouthor of the said lordis nor thare partiis: And quhen oure Souerane lord has ony osting in this Realme or vtouth, the said Neill with all the folkis that he may gudely be, sall pas and remane with the said lord Erlle of Athole and vndir his baner, les than he be chargit in speciall service be oure Souerane lord the king: And gif the said lord or Neill happinis to brek ony of thir appoyntmentis before writtyn enduryng all the dais of thare lyfis the persone that brekkis ony of the said appoyntmentis sal pay to the party that it is brokyn to the soume of a thousand merkis for his costis exeuss and seathis and to oure Souerane lord the soume of fyve hundreth merkis withlin fourty dais efter it be lauchfully preuit before ony Juge spirituell or temporall, in the name of pane for the said brek: And that all thir conditions appointmentis before expremitt sal be lelely and trewly obseruit and kept athir of the parteis ar oblist till vtheris be the faithis in thare bodiis the hali ewangelis twichit: And to the parte of this endenture remanand with the said Neill the said lord has set his sele and subscriuit with his awin hand And to the parte of this endenture remanand with the said lord Erlle the said Neill has set his sele and subscriuit with his awin hand zere day and place before exprimit before thir witness Ser David Lutherdale Archdene of Dunkelden James of Schaw of Sauchy Walter Boid of Pettkindy Robert Merse of Balleve Sir Ranald Coly vicare of Forthirgill Robert of Boncle and Dauid Merse with vtheris dinerse.

NEILL STEWART of fforthirgill.¹

ABRIDGMENT of Crown Confirmation to NIGEL STEWART, son and heir of the late John Stewart of Forthirgill, of three royal letters granted to his father and himself during the King's minority, of the Lands of Apnadull, etc. 24th January 1477-78.

Registrum
Magni
Sigilli,
Lib. viii. 62.

Data fuit litera confirmacionis sub magno sigillo super tres literas sub secreto sigillo et subscriptione regis in sui tenera etate factas et concessas quondam Johanni Stewart de Forthirgill et Nigello Stewart filio suo et heredi, viz., vnam literam super assedacionem terrarum dominiorum de Apnadull, Glencoith, Glenlioun, Straithbrarne, et Rannach . . . infra vicecomitatum nostrum de Perth pro terminis nouemdecim annorum: aliam vero literam de officio balliatus eisdem . . . factam de dictis terris . . . etiam pro nouemdecim annis: terciam vero literam dictis quondam Johanni et Nigello factam de feodo et seruiciis eorundem pro nouemdecim annis, de . . . terris de Rannach . . . cum proprietate sub se subtenentes substituendi, curias tenendi, etc.: Solvendo annuatim dicti quondam Johannes et Nigellus, coniunctim seu diuisim, nobis, receptoribus et intromissoribus nostris firmas et devoria earundem terrarum, prout in nostra rentela continetur de data dictarum trium literarum, quarto die mensis Maii anno Domini millesimo quadringentesimo septuagesimo tercio, et regni nostri decimo tercio: Quas quidem literas ac assedaciones . . . , vt premissum est, dominus noster rex in etate sua perfecta viginti quinque annorum existens, et post suam generalem reuocacionem, pro singulari fauore quam gerebat erga dictum Nigellum, approbavit, ratificavit, et pro se et successoribus nostris dicto Nigello pro nouemdecim annis proxime et immediate sequentibus datam presentis sue confirmacionis duraturas confirmavit . . . Apud

¹ See facsimile of original, No. 4.

Edinburgh, vicesimo quarto die mensis Januarii anno Domini millesimo quadringentesimo septuagesimo septimo et regni nostri decimo octauo.

Athole
Charter-
Room.

PRECEPT of SASINE by ANDREW LORD GRAY for infesting NEIL STEWART, son and heir of the late John Stewart of Forthergill, in the Lands of Killebrochan. Dated 26th April 1478.

Vniuersis pateat per presentes nos Andream Dominum le Gray fecisse constituisse et ordinasse prouidos viros Robertum Menzeis Robertum M'Nar et Alexandrum Gibbonsone coniunctim et diuisim hac vice balliuos meos adandum pro nobis et nomine nostro Negello Stewart filio et heredi quondam Johannis Stewart de Forthyrgil saisinam hereditariam et corporalem ac realem possessionem totius terre mee de Killebrochane cum pertinenciis jacentis in baronia nostra de Langforgound in comitatu Atholie infra vicecomitatum de Perth secundum formam et tenorem cuiusdam breuis saisine de capella domini nostri Regis nobis in hac parte directi. Et generaliter ad faciendum omnia et singula que nosmet in donacione dicte saisine faceremus seu facere possemus si presens personaliter interessemus ad quod faciendum dictis balliuis nostris coniunctim et diuisim do et committo nostram plenariam potestatem ac mandatum speciale per presentes sine reuocatione duraturis Et in singulum huiusmodi possessionis per vos traditi sigillum vestrum in secunda cauda post nostrum sigillum presentibus debite appendatis In cuius rei testimonium sigillum nostrum presentibus est appensum Apud Foullis vicesimo sexto die mensis Aprillis anno Domini millesimo quadringentesimo septuagesimo octauo.

Acta Dom.
Concilii.

ACTION between NEIL STEWART and WALTER LORD INNERMEATH. October 7, 1478.

Anent the Somme of iiij^{xx} xij kye, Recouerit before be vmquhile Johne Stewart of Forthergille, apone Walter lord of Innermeth, be Reson of ane obligacion and now perseuit be Neile Stewart and Maister James Stewart apone the said Walter, the Lordis decernis the said Walter quite of the clame and chalance of the saidis Neile and Maister James of the said soume of iiij^{xx} xij kye because the said vmquhile Johne and Neile nouthar past nor war chargit to pas with the said Walter til ony Jounay in borg for the quhilk the said vmquhile Johne dischargit and quiteclemyt the said Walter of the said kye as was schewin be a contract and acquittance, subscribit of the command and be the proppre hand of the said Johne producit before the Lordis.

Ibid.

ACTION between NEIL STEWART and JAMES SHAW of Sauchy. July 10, 1480.

The lordis of Counsaile decretis and deliueris that Neile Stewart son and air to vmquhile Johne Stewart of Forthirgill, sall content and pay to James of schaw of sauchy, the soume of ij hundreth merkis quhilks the said vmquhile Johne Stewart Resavit fra the said James in pairt of payment of the Soumne of thre hundreth merkis for the mariage of John Stewart of garnetuly efter the forme of certain endenturis And also that the sayd Neile sall deliuer again to the said James the obligacioune that the said Johne his fadder had of the hundreth merkis Remanent of the said thre hundreth merkis contenit in the said endenturis, and that our soueraign lordis lettres be direct hereuppone.

Ibid.

ACTION between NEIL STEWART and JOHN MONCREIFF of that Ilk. November 5, 1490.

The lordis of consale decrettis and deliueris that John of Moncrief of that Ilk sall content and pay to Neil stewart of forthorgill the somme of fourtj li. vsuale money of Scotland aucht to the said Neil be the said Johne be his obligacione vnder his sele schewin and producit before the lordis And ordinis our Souerane lordis lettrez be direct to distrenze the said Johne his landis and gudis herfore and the said John wes summoned to this accioun oft tymes callit and nought comperit.

Ibid.

ACTION between NEIL STEWART and ROBERT MENZIES of Enoch. June 19, 1494.

The Lordis of Consale decrettis that neil Stewart of forthirgill dois wrang in the occupacioune and Intromitting with the landis of dairly and of the toft and croft callit

candois croft with the pertinentis and therefore ordinis him to decest and eese therfra ay and quhill he be lauchfully entrit thereto to be broikit and manurit be robert Menzies of Ennoch quhil the entre of the lauchful are therto. And attour decrettis and deliueris that the said Neil sall content and pay to the said Robert Menzies the somme of thre libs. a boll of ber and a wedder zerey of vii zeris malez and profittis of the saidis landis and vi li. of gersoume of the samyn landis be the said space of vij zeris takin vp and Intromettit with be the said Neill as wes sufficiently previt before the lordis. And ordinis that lettrez be writtin to devoid and red the said landis and to distrenze for the said sommez and the said Neil was present at this actioun.

Amongst the MSS. in the Advocates' Library there are miscellaneous collections by Macfarlane and others. In No. 35. 4. 8. the following entry occurs, p. 434: "Bond of Manrent by Neill Stewart of Forthrygyl for all the dayis of his life to Laurence Lord Oliphant to ryd and gang with all his men, kyn and freinds that he can purchase in defence of the said Lord against all Men except the King and the Lords of Huntlie. Befor James Oliphant of Arquhalze 1488."

BAND with NEILL STEWART of Forthergill.¹

This endentur, made at Edinburgh the xv day of October, the yere of God M iii^e lxxxviii yeris proportis as it is appontyt betuix honorable men, Duncain Campbell of Glenlurehe on the ta parte, and Neill Stewart of Fortorgell on the tother parte, in maner as after folowis; that is to say, the said Duncain Campbell sall nocht in tyme tocum distruble the said Neill in his takis, stedingis, kirkis, teyndis, profittis landis nor gudis be ony maner of way, nouthur in the law nor by the law, nor yit sall nocht tak uther takis, stedingis, malingis, teyndis, officis, bowndis, nor rowmys, ony maner of way, enduring all the dayis of thair liffes, and in speciale thir landis and kirk pertening to the said Neill; that is to say, appildul Rannauch, Glenloeh, Strathardill, Strabrawn, and the Kirk of the Dull, and richtsa the said Neill, sall nocht in tyme tocum ony maner of way distruble the said Duncain in his takis, stedingis, kirkis, teyndis, profittis landis nor gudis, in the law nor by the law and in speciale in thir landis that is to say, Dischour Twouour Glendoeh, Glenlyoun, and Glenqueha, and to stand in awfald kyndnes and help to uthers in tyme tocum and at the said Neill Stewart sall frely oure gif to the said Duncain Campbell the landis and bailyery of the landis of Glenlyoun, and neuer in tyme tocum sall intromet therewith, nor yit tak the samyn. And inlikewiss the said Duncain Campbell sall gif oure to the said Neill Stewart the takis that he has of the Kirk of Dull, togidder wiht the takis and officis of bailyery and feis of the Rannauch appildull Glenloeh. For the ourgeving of the quhilk kirk, takis, officis, and landis the said Neill sall content and pay to the foresaid Duncain, his ayeris and assignais, the sovme of ane hundreth pundis money of Scotland at thir termes fifty pundis at the feist of Sanct Androwmess nixt and uther fifty pundis at the feist of the assumptioun of our Lady Callit the first Marymess nixt; and als Colin Erle of Ergile, Lord Lorn and Chancellere of Scotland, and George Erle of Huntie, ar bundin, be the faith of thair bodis, uthir to uthiris, that quhilkis of the foresaidis Duncain or Nele brekkis in ony of thir foresaidis appoyntments that thai sall tak ane awfald parte with the partii kepar again the partii brekar and baith the saidis Duncain and Nele has interchangeable sett to thare selis and subscriuit the sammyn with thair awin handis, the quhilkis appoyntments aboun writtin was gevin furth be the mouth of the foresaidis lordis this day, and has subseriuit this present endenturis, with thair awin handis, day, yere, and place abone writtin; and attour, the said Duncain sall

From the
"Buke of
Bandis,"
etc. etc.,
"pertenying
to the Hous
of Glenur-
quhay."

¹ Duncan Campbell of Glenurchay, who is a party to the following "Band," was the second laird of Glenurchay, having succeeded his father Colin, the *first* laird, in 1480. He was killed at Flodden the 9th September 1513, as was also the Earl of Argyll, one of the sureties in the Band. Neill Stewart of Forthergill, the other party to the Band, was the son of John Stuart of Forthergill. He died in 1499.

mak the said Neill sicken in the said kirk for als mony yeris, as he has the samyn of the priour of Sanctandris, gif the said Neill can nocht uptene the said priour's fauoris.

DUNCAN CAMPBELL of Glenurquhay.

Registrum
Magni
Sigilli, Lib.
xiii. 178.

ABRIDGMENT of Crown Charter to NEIL STEWART of Forthergill, and ELIZABETH STEWART, his spouse, of the Bordlands of Forthergill, etc., in the Barony thereof. 22nd August 1495.

Jacobus Dei gracia rex Scotorum Sciatis nos dedisse confirmasse dilectis nostris Nigello Stewart de Forthirgill et Elizabeth Stewart eius sponse et ipsorum alteri diutius viuenti, in coniuncta infeodatione omnes et singulas terras de le Bordland de Forthirgill, terras de Tulichmulin, terras de Artraskat, Drummacharry et Ewquhirblaris in baronia de Forthirgill, infra vicecomitatum de Perth, que quidem terre cum pertinenciis fuerunt dicti Nigelli in feodifirma hereditarie, et quas idem Nigellus non vi aut metu ductus in manus nostras apud Striueling resignauit, ac totum jus et clameum que in dictis terris cum pertinenciis habuit seu habere potuit pro se et heredibus suis omnino quietclamauit imperpetuum: Tenendas et habendas omnes et singulas terras predictas dictis Nigello et Elizabeth sponse sue et eorum alteri diutius viuenti in coniuncta infeodacione et heredibus inter ipsos legitime procreatis seu procreandis, quibus deficientibus, legitimis et propinquioribus heredibus dicti Nigelli quibuscunque, de nobis et successoribus nostris in feodifirma et hereditate imperpetuum, per omnes rectas metas in omnibus et per omnia sicut dictus Nigellus aut predecessores sui prefatas terras cum pertinenciis de nobis aut predecessoribus nostris ante presentem resignacionem nobis inde factam liberius tenuit, etc.: Faciendo inde annuatim dicti Nigellus et Elizabeth eius sponsa et ipsorum etc. . . . nobis et successoribus nostris jura et seruicia de dictis terris cum pertinenciis ante prefatam resignacionem nobis debita et consueta: In cuius rei testimonium huic presenti carte nostre magnum sigillum nostrum apponi precepimus; testibus vt in secunda carta precedente. Apud Striueling, vicesimo secundo die mensis Augusti, anno Domini millesimo quadringentesimo nonagesimo quinto, et regni nostri octauo.

Acta Domi-
norum Con-
cilii, Vol.
viii. fol. 156.

ACTION against the SHERIFF of PERTH and others, including NEIL STEWART of Forthergill.
23rd January 1498-99.

In the accione and causs persewit on the behalf of the Kingis hienes againis Wilziam of Ruthven son and apperand air til Wilziam lord Ruthven Sherif of Perth Johne Lord Drummond Stewart of Stratherne Archibald Edmonston of Duntreith Stewart of Monteath Duncane Campbell of Glenverquhay bailze of dischir teyere and apnadoll and Neil Stewart of Forthirgill quhilkis wair callit for the inbringing of our sowerain Lordis extractis of the justice aire of Perth and quhilk of thame sould be dettoure ffor the inbringin of the samyn within ilk ane of thair aven boundis like as it at mair length contenit in the summondis thairapone. The sadis Wilziam of Ruthven Sherif of Perth and Johne lord Drummond Stewart of Stratherne being personally present, the Lordis continewis the sadis summonds til the xxx day of May instant with continuacione of dayis in the samyn forme force and effect as it is now but prejudice of party and ordains that lettres be writtin to call the Stewart of Monteath the bailze of Discher and teyere and Nele Stewart bailze of Forthirgill and all vtheris havand interes in this mater til compear the said day with continuacione of days, and at the sadis officiaris til bring with thame al richtis and evidentis as thay vse againis the sade day, that it may be sene and considerit be thame quhilk of thame aucht til inbring the vnlaus amerciamentis extractis of the justice airis of Perth and quhilk of thame suld be dettoure til the Kings heyne ffor the inbringin thair of, and the sadis William Ruthven and Johne Lord Drummond thair of apud acta.

Ibid., Vol.
ix. fol. 2 b.

ACTION by NEIL STEWART of Forthergill against JOHN EARL of ATHOLE, in regard to the Lands of Granycht.
13th January 1499.

1 e and caus persewit be Nele Stewart of son and aire to vmquhile

¹ The blanks are occasioned by the decayed state of the Record.

Jhone Stewart of . . . anis Jhone erle of Athole and Jhone of . . . as aire to vmquhile siluester Rettra . . . say the sade Jhone erle of Athole ffor the wrangus vexing and troubling of the sade Nele Stewart . . . peceable possessione and broiking of the landis of Gran . . . with the pertinence liand in Athole and Schereflome of Perth . . . costis skathis and dampnage and expensis sustenit be the said . . . And the sade Jhone of Rettra as aire forsaide to warrand . . . acquiet and defend to the sade Nele Stewart and his ayeris the sadis landis with the pertinentis lik as is at mair lenth contenit in the summondis thairvpoune The sade Neyle comperand be Dauid balfoure of caraldstoun his procuratour and the sadis Jhone erle of Athole and the sade Jhone of Rettra being lauchfully summond to this actione oft tyme callit and not comperit The sade Neles Richtis Ressonis and allegationis herd sene and vnderstand. The lordis of . . . decretis and delineris that ffor ocht thai haf zit sene the saide Jhone erle of Athole sal deecast and ceis [fra] al vexing and troubling of the sade Nele in the . . . broiking and Ioising of the sade landis graneich to be and . . . Jhone Rettra as aire to the sade Siluester sal . . . acquiet and defend the sade landis of graneich with the pertinence to the sade Nele and his ayeris efter the . . . the sade vmquhile Siluester Charter and . . . Saising made to vmquhile Jhone Stewart Nele and to the sade Nele and his ayris schawin and producit be . . . assignis to the Nele Stewart the xxvj . . . to cum with continuatioun of Dais til preif sufficientlie that the sade Jhone erle of Athole hade vexit and troublit the sade Nele in the peceable broiking and Ioising of the sadis landis and the avale and quantitie thairof and be quhat space and the costis skathis and expenses sustenit be him and haf letres til sumond his witnesses and that the party Jhone erle of . . . of this continuatioun and here the witnes sworne and . . . and continewis that part . . . samyne forme force and effect as it is . . .

DEEDS RELATING TO NEIL (II.) OF FORTHERGILL, GARTH, Etc., Died 1554.

ACTION by the Crown against JOHN EARL OF ATHOLE and NEIL STEWART of Forthergill, 26th November 1500.

Acta Dominorum Concilii, Vol. ix. f. 194.

In the actione and caus persewit on the behalff of the Kingis hienes aganis Jhone erle of Athole and Nele Stewart son and air til vmquhile Neile Stewart of forthergill for the wrangus withhaldine fra the Kingis hienes that is to say the sade Jhone erle of Athole of xx^{ty} merkis zerelye for the forest of Clevny be the space of xix zeris bigane and als the said Nele Stewart for the wrangus withhaldine fra his grace of the sovm xx^{ty} zeirlye for the landis of the Ranok Auchinvad and Drumtimlok be the spece of xxiiij zeris like as is at mair lenth contenit in the summondis thairapoun Maister James Henresone comperand in the behalf of the Kingis hienes Thomas Kere comperand as procuratour for the sade Jhone erle of Athole and Ewin Cunessone comperand as procuratour for the sade Nele Stewart. The lordis of Counsale with consent of the said Maister James and the sade procuratour of Jhone erle of Athole contenewis that pairt of the summondis concernyng him till the xvj day of Januar next to cum with continewation of dais in the samyn forme force and effect as it is now but preiudice of partj and the partijs be thair procuratouris ar warnit heirof apud acta And attour the lordis decretis and deliuers that the sade Nele Stewart sall deceist and ceiss of the taking and intro-metting of the malis and proffittis of the landis of Rannach in tyme to cum Becaus the assedationis thairof producit be the procuratouris of the sade Neile vnder our souerane lordis gret sele and termez thairof ar outrunnyn and endit efter the forme and tenor of the samyn schawin and producit before the lordis To be broikit and ioisit be the Kingis hienes as his propertie in tyme to cum And that thairfore the lordis of Counsale Decretis and deliuers that the sade Nele Stewart sall content and pay til the Kingis hienes the sovm of xx^{ty} vsuale money of Scotland zeirely and ilk zere be the space of viij zeris last bigane ffor the malis and proffittis of the saidis landis . . . as was

sufficiëntlie vnderstand til the sadis lordis and als decretis and deliuiers that the sade Nele Stewart sall content and pay til the Kingis hienes the sovm of five li. vsuale money of Scotland for the malis and proffittis of the sade landis of Drumfyn and Drumfastill be the space of ane zeire as was in likewis sufficiëntlie vnderstand til the sadis lordis And als becaus it was allegit be Ewin Cunessone as procuratour for the sade Nele that the sade vmquhile Nele Stewart his fader occupyit nocht the landis of Auchinvad be the space of x zeris bigane Thairfore the lordis assignis til the sade maister James in our souerane lordis name as advocat forsaid the xvj day Januar next tocum with continuation of dais til preif sufficiëntlie the occupation vptaking and withholding of the malis and proffittis of the sadis landis and the avale and quantitie thair of and be quhat space and ordanis him to haf letters to call his witnes and sic probationis as he wil vse agane the sade day and contenewis the Remanent of the punctis of the summondis in the mene tyme in the sammyn forme force and effect as it is now but preiudice of partj and the partijs be thame selffis and thair procuratouris ar warnit heiroy apud acta.

Acta Domi-
norum Con-
cilii, f. 23.

ACTION by ROBERT MENZIES of Enoch against NEIL STEWART of Forthergill. 15th March 1500.

. . . . the lard of Caraldstone as forspekar for Nele Stewart the son and are of vmquhile Nele Stewart of forthergill askit ane instrument he might say aganis the executione made be . . . Schereff in that pairt seruitour till the lard of Ennoch quhen and quhare It effers he being ewer summond.

In the actione and cause persewit be Robert Mynzeis of Ennoch aganis Nele Stewart the son and aire of vmquhile Nele Stewart of Forthergill and to here and see the sade Nele as aire forsaid decernit and ordain till content and pay til the sade Robert the sovm of fourtj merkis vsuale money of the Realm like as is at mair lenth contenit in the summondis thairuppoun The sadis partijs being personalye present thair Richtis Ressonis allegationis herd sene and vnderstand and thairwith being Riple avisit The lordis of consale decretis and deliueris that the sade Nele the son and aire of vmquhile Nele Stewart of forthergill as aire forsaid sall content and pay til the sade Robert the sovm of fourtj merkis vsuale money of Scotland of the Rest of ane maire sovm obtenit be him vpoun the sade vmquhile Nele for the wrangus occupatione of his lands of Dalry with the pertinentis efter the forme and tenour of ane decreit gevin be the lordis of Consale thairuppone schawin and producit before the lordis and ordains our souerane lordis letteris be direct to compell and distrenzie him his landis and guidis thairfore.

Ibid.,
xvij Mercij
[1500], f. 29.

Jhone erle of Athole is becumming pleg and souerte for Nele Stewart the son and aire of vmquhile Nele Stewart of forthirgill that Robert Mynzeis of the ennoch salbe harmeles and skathles of him and all that he may lat but fraud or gile vnder the pain of v^c merkis as he fand of befor til the scheref and protestis that he be dischargit thair of

Alexr lord Gordoun is becummyn pleg and souerte for Malcum Stewart and Johnne Stewart sons til vmquhile Nele Stewart that Robert Mynzeis of the ennoch salbe harmeles and skathlis of him and al that he may lett but fraud or gile vnder the pain of j^c li. for ilk persone.

Ibid.,
xxij Marcij
[1500], f. 51.

robert lord Creichton of the sanquhar is becumming pleg and souerte for robert Mynzeis of ennach that Nele Stewart of forthergill salbe harmles and skathlis of him and all that he may let but fraud or gile vnder the pain of v^c merkis and the said robert mynzeis is bound til Releif and kep the sade lord harmelis and skathlis of the sovm abonwritin and

Robert lord creichtone of the Sanctquhar is becummyn pleg and souerte for robert mynzeis of ennach that malcum Stewart and Jhone Stewart sons til Nele Stewart salbe harmlis and skathlis of and al that thai may let but fraud or gile vnder the pain of j^c li. for ilk person and the sade robert mynzeis is bound til keip the lord skathlis of the sade sovm.

robert mynzeis of ennach is becummy n pleg and sourete for Jhone the mynzeis his brother that nele Stewart of forthergill Jhone Stewart and malcome Stewart sonis salbe harmeles and skathles of thaim and al that thai may let but fraud or gile vnder the pain of iij^{ce} li. for his brnther and for ilk ane of the tother there j^e li.

Acta Domi-
norum Con-
cilio, xxij
Marcij
[1500], f. 52.

ACTION by JAMES STEWART, brothier of the late Neil Stewart of Forthergill, against ALEXANDER STEWART, brother of Thomas Stewart of Grantully. 23rd March 1500. Ibid., f. 55.

In the actione and caus persewit be maister James Stewart bruthir germaine til vmquhile Neile Stewart of forthirgill aganis Alex^r Stewart bruthir germane till vmquhile Thomas Stewart of garnetuly and agnes murray the spous of the sade vmquhile Thomas ffor the wrangus oocupatione laubouring and manning be him selff and his factouris of the landis of Petcarne liand in the lordschip of Apnadull and Scherefdome of perth like as is at mair lenth contenit in the summondis thairapoun The sade maister James being personally present and the sadis Alex^r and agnes his Spouse being lanchfully summond to this actione oftymez callit and nocht comperit The sade maister James Richtis Ressonis allegationis herd sene and vnderstand and thairwith being riple avisit The lordis of consale decretis and deliueris that for ocht thai haf zit sene the sadis Alex^r and agnes his spous sall deceist and ceiss fra all occupatione laubouring and manuring of the sadis landis of petearne To be Broikit and Ioisit be the sade Maister James Stewart for al the dais of his life in tyme tocum efter the forme and tenor of his charter and instrument of possessione thairapone schawin and prodncit before the lordis and assignis til the sade Maister James the xvij day of July next tocum with continuation of dais til preif suffieientlie the avalis and proffittis of the sadis landis that he nicht haf haid of the sammyn and the availe and quantite thairof and be quhat spae and ordanis him til haf letteris to eall the witnes that wer summond and comperit nocht befor be summond vnder greter panys and maa witnes gif he plesis and contenewis that part of the summondis in the menetyne in the sammyn forme force and effect as it is now but preindiee of partj and the partijs be warnit of this continuation til here the witnes sworne.

ACTION by the Crown against NEIL STEWART of Forthergill and others. 26th June 1501.

Ibid., f. 128.

In the actione and caus persewit on the behalff of the kingis hienes aganis Neile Stewart of forthirgill Donald makwele Alex^r mahade Robert makcolmes Alex^r makylvane Donald makylvane and bris m'anedow ffor the wrangus occupatione and manuring of the landis and barony of Cammissarny with thair pertinence liand in the seherefdom of perth like as is at mair lenth contenit in the summondis thairuppoun The kingis hienes comperand be maister James Henreson his advocat and the sadis personis being warnit hereto be thaim self and thair procuratouris apud acta oft tymes callit and nocht comperit The kingis hienes Richtis Ressonis allegationis herd sene and vnderstand and thairwith being Riple avisit The lordis of consale and of ehekker decretis and deliueris that for oelit thai haf zit sene the sade Neile and the personis abonewritin sall deceist and ceiss fra all occupatione laubouring and manuring of the landis and barony of eom-misarnay and thairfore ordanis thaim til deceist and ceiss tharefra in tyme tocum To be broikit and Ioisit be the kingis hienes and quham that he has dispoit the sammyn to and ordanis that letteris be direct til dired the saidis personis of the sadis lands thairapone.

PROTEST by Mr. JAMES STEWART regarding the Lands of Petcarne. 6th July 1501.

Ibid., f. 137.

Maister James Stewart Neile Stewarts bruther comperit and protestit that agnes murray lady of gernetuly and Alex^r Stewart bruther germain til vmquhile Thomas Stewart of gernetuly to heire and see ane contract and decret gevin be the lordis of consale at Edinburgh the xxij day of march The zeire of god I^m v^e zeris Decernand that ffor ocht the lordis had sene that the sadis Agnes and Alex^r Stewart sall deceist

Acta Domi-
norum Con-
cilii, July
21, [1501,]
f. 157.

and ceiss fra al occupa[tione] laubouring and manuring of the landis of petcarne liand in the lordschip of apnadull and scherefdom of perth and for certane vtheris punctis and wald nocht comperer til follow him That thairfore, etc.

Anent the terme assignit be the lordis of consale to maister James Stewart bruther germain til vmquhile Neile Stewart of forthirgill aganis Alexander Stewart bruthir germane til vmquhile Thomas Stewart of gernetuly and agnes murray the spouse of the sade vmquhile Thomas til preif sufficientlye the avalis and proffittis of the landis of petcarne that he nicht haf had of the sammyn and the availe and quantite thair of and be quhat space and ordanis him til haf [letres] to cal his witnes and sic probationis as he wil vse again the sade day as is at maire lenth contenit in the decret thairapone of before The sade maister James being personally present and the sade agnes comperand be maister Thomas allane hir procuratour The lordis contenevis the sade decret Togidder with that part of the summondis thairapone till the thrid day of August nixt tocum with continuation of dais in the sammyn forme force and effect as it is now but preindice of partj and ordanis the deposition of the witnes now takin in this mater be closit quhil the sade day and als that he haf letteris to call the witnes that war summond of before and comperit nocht be summond vnder greter panys and maa witnes gif he plesis and the partijs and thair procuratouris are warnit heirof apud acta.

Athole
Charter-
Room.

INSTRUMENT OF SASINE in favour of NEIL STEWART, son and heir of the late Neil Stewart of Forthergill, of the Lands of Forthergill, etc. Dated 5th June 1500.

In Dei nomine Amen Per hoc presens publicum instrumentum cunctis pateat euidenter quod Anno incarnationis dominice millesimo quingentesimo mensis vero Junii die quinto Indiccione tercia Pontificatus sanctissimi in Christo patris et domini nostri domini Alexandri diuina prouidencia Pape sexti anno octauo In mei notarii publici et testium subscriptorum presencia personaliter constitutus honorabilis vir Nigellus Stewart de forthirgile filius et heres quondam Nigelli Stewart de Forthirgile Quoddam preceptum saisine honorabilis viri Wilelmi Rothwen vicecomitis de Perth in papiro scriptum sub signeto officii dicti vicecomitis presentauit discreto viro Thome Chessem in dicto precepto principaliter nominato Quiquidem Thomas dictum preceptum reuerencia qua decuit recepit mihique notario publico subscripto tradidit perlegendum cuiusquidem precepti tenor sequitur et est talis Wilzame of Rothwen schiref of Perth to Thomas Chessem ane of the maris of the said schirefdome gretting fforsamekle as thar is present to me ane brefe of seissing of oure souerane Lordis chapele be Neile Stewart sone and aire to vmquhile Neile Stewart of Forthirgyll to gif seissing to the said Neile as aire to his said fader of the landis of Forthirgile Petdorne Tulequheran and Dalnagardyne with the pertinence liand within the schirefdome of Perth quhilkis vmquhyll Neile Stewart the said Neilis fader deit last westit and seissit as of fee at the faith and peis of the king Quharfor I charge zow in oure souerane Lordis naim and myn that ze pass incontinent to the forsaidis landis with thar pertinencis and at ze gyf seyssing of the samyn to the said Neyll or his certane actornay richtwisle but delay saiffand all maunis richtis Takand securite for the payment of xxx^{ti} sex pundis for the dowbilling of the fewferm of the said landis of Forthirgyll and of fiff merkis for the releif of the saidis landis of Petdorne And of tuelf pundis for the releif of the landis of Tulequheran and Dalnagardyne aucht to oure souerane Lord tharof And this one na wiis ze leif vndone vnder all pane and charge that eftir may follow Writtin vnder the Signet of my Office at Perth the secund day of Junii the zere of God ane Thousand fyf hundreth Quoquidem precepto capto et perlecto prefatus Nigellus Stewart requisiiuit dictum Thomam Chessem idem preceptum debite executioni mandare dictus vero Thomas statim accessit ad predictas terras de Tulequheran necnon et Dalnagardyne successiue jacentes infra vicecomitatum de Perth Ibique virtute huiusmodi precepti tradidit prenominato Nigello Stewart statum saisinam et possessionem hereditariam dictarum terrarum de Tulequheran et Dalnagardyne cum vniuersis suis pertinenciis per terre et lapidis tradicionem et domorum inclusionem vt moris est et hoc secundum formam et tenorem Carte desuper confecte Super quibus

omnibus et singulis dictus Nigellus Stewart a me notario publico subscripto sibi fieri pœiit vnum vel plura publicum seu publica instrumentum seu instrumenta Acta erant hec in villis de Tulequherain et Dalnagardyne hora vndecima ante meridiem vel coecirca sub anno mense die indicione et pontificatu quibus supra Presentibus ibidem discretis viris Patricio Murray in Blaittoun Johanne Stewart in Mare Jacobo Makay, Roberto Stewart Jacobo Stewart finlao Makgibboun Johanne Makewync Makgillercouth Johanne Harp Thoma Dog in Dalnagardyne Johanne Malleouch et Duncano Makgillecallum cum diuersis aliis testibus ad premissa vocatis pariter et Rogatis.

Et ego Henricus Walcare presbiter Dunkeldensis Diocesis publicus sacra apostolica autoritate Notarius Quia predictarum saisinarum de Tulequherain et Dalnagardyne tradicioni ceterisque premissis omnibus et singulis dum sic vt premittitur dicerentur agerentur et fierent vnum prenominatis testibus presens interfui Eaque omnia et singula sic fieri vidi sciui et audiui ac in notam sumpsi Ex qua presens publicum Instrumentum manu mea scriptum exinde confeci Signoque et subscriptione nomine et cognomine meis solitis et consuetis signaui et subscripsi Rogatus et requisitus in fidem et testimonium veritatis omnium et singulorum premissorum.

PRECEPT OF SASINE in favour of NEIL STEWART of Forthergill in the Lands of Killibrochan, etc.
Dated 3rd November 1500.

Athole
Charter-
Room.

Andreas Dominus Gray ac dominus Superior terrarum de Kilbrouchane estir borannich et Westir borannich cum pertinenciis jacentium in comitatu de Atholl et infra vicecomitatum de Perth Dilectis meis Thome Wardropar et Thome Gray coniunctim et diuim balliuis meis in hac parte specialiter constitutis Salutem Quia clare constat mihi quod quondam Nigellus Stewart de Forthirgill Pater Nigelli Stewart de Forthirgill latoris presencium obiit vltimo vestitus et sasitus vt de feodo ad pacem et fidem Supremi domini nostri Regis de omnibus et singulis predictis terris de Kilbrouchane estir Borannich et Westir Borannich cum pertinenciis Et quod dictus Nigellus est legitimus et propinquior heres eiusdem quondam Nigelli patris sui de eisdem terris cum pertinenciis Et quod est legitime etatis et quod de me tenentur in capite vobis igitur et vestrum cuilibet coniunctim et diuim firmiter precipio et mando quatenus visis presentibus indilate statum sasinam hereditariam et possessionem corporalem omnium et singularum prefatarum terrarum de Kilbrouchane estir Borannich et Westir Borannich cum pertinenciis predicto Nigello Stewart vel suo certo actornato latori presentium juste haberi faciatis et deliberetis secundum tenorem sui infeofamenti quod inde habet jure saluo cuiuslibet et hoc nullo modo omittatis Ad quod faciendum vobis et vestrum cuilibet in hac parte meam plenariam et irreuocabilem tenore presentium committo potestatem In cuius Rei Testimonium Sigillum meum presentibus est appensum Apud Edinburgh tercio die mensis Nouembris Anno Domini millesimo quingentesimo.

INSTRUMENT OF SASINE in favour of NEIL STEWART of Forthergill of the Lands of Killibrochan, etc.
Dated 15th April 1501.

Athole
Charter-
Room.

In Dei nomine Amen Per hoc presens publicum instrumentum cunctis pateat euidenter Quod anno incarnationis dominice millesimo quingentesimo primo mensis vero Aprilis die decimoquinto indicione quarta Pontificatus Sanctissimi in Christo patris et domini nostri domini Alexandri diuina prouidencia pape sexti anno nono In mei notarii publici et testium subscriptorum presenciis personaliter constitutus honorabilis vir Nigellus Stewart de Forthirgyll filius et heres quondam Nigelli Stewart de Forthirgill Quoddam preceptum saisine nobilis et potentis domini Andree Domini Gray in pergamino scriptum proprio sigillo ipsius nobilis domini cera rubea albe impressa cum pendula pergaminea impendente sigillatum presentauit prouido viro Thome Wardropar balliuo in hac parte specialiter constituto debita cum instancia ipsum requirens quatenus ad executionem huiusmodi precepti indilate accederet Quodquidem preceptum Idem Thomas

Wardropar reuerencia qua decuit recepit et michi notario publico subscripto perlegendum tradidit cuius tenor sequitur de verbo in verbum est talis Andreas Dominus Gray ac dominus Superior terrarum de Kilbrouchane Estir Borannicht et Westir Borannicht cum pertinenciis jacentium in Comitatu de Athol et infra vicecomitatum de Perth dilectis meis Thome Wardropare et Thome Gray coniunctim et diuisim balliuis meis in hac parte specialiter constitutis salutem Quia clare constat michi quod quondam Nigellus Stewart de Forthirgill pater Nigelli Stewart de Forthirgill latoris presencium obiit vltimo vestitus et saisitus ut de feodo ad pacem et fidem supremi domini nostri Regis de omnibus et singulis predictis terris de Kilbrouchane Estir Borannicht et Westir Borannicht cum pertinenciis Et quod dictus Nigellus est legitimus et propinquior heres eiusdem quondam Nigelli patris sui de eisdem terris cum pertinenciis Et quod est legitime etatis et quod de me tenentur in capite vobis igitur et vestrum cuilibet coniunctim et diuisim firmiter precipio et mando quatenus visis presentibus indilate statum saisinam hereditariam et possessionem corporalem omnium et singularum prefatarum terrarum de Kilbrouchane Estirborannicht et Westirborannicht cum pertinenciis predicto Nigello Stewart vel suo certo actornato latori presencium iuste haberi faciatis et deliberetis secundum tenorem sui infeofamenti quod inde habet Jure saluo cuiuslibet et hoc nullo modo omittatis Ad quod faciendum vobis et vestrum cuilibet in hac parte meam plenariam et irreuocabilem tenore presentium committo potestatem In cuius rei testimonium sigillum meum presentibus est appensum Apud Edinburgh tereio die mensis Nouembris Anno Domini millesimo quingentesimo Post cuiusquidem precepti presentationem receptacionem lectionem et in vulgari per me notarium subscriptum exposicionem Prefatus Thomas Wardropare balliuus ut supra personaliter accessit ad terras de Kilbrouchane antedictas Ibique virtute prenominati precepti prefato Nigello Stewart de Forthirgyll statum saisinam hereditariam et possessionem actualem et corporalem omnium et singularum predictarum terrarum de Kilbrouchane cum pertinenciis super solum earundem per terre et lapidis tradicionem et impositiorem et inclusionem in quadam domo de Kilbrouchane igne eiusdem penitus extincto secundum tenorem sui infeofamenti Saluo Jure cuiuslibet vt moris est tradidit dedit ac vtique deliberavit demum depost Idem Thomas Wardropare eciam accessit ad antefatas terras de Estirborannicht et Westirborannicht Ibidemque eidem Nigello Stewart statum saisinam hereditariam et possessionem corporalem dictarum terrarum de Estirborannicht et Westirborannicht cum pertinenciis per terre et lapidis tradicionem super solum earundem similiter tradidit atque deliberavit et hoc eciam secundum tenorem sui infeofamenti De et super quibus omnibus et singulis premissis sepedictus Nigellus Stewart de Forthergill a me notario publico subscripto sibi fieri peciit vnum vel plura publicum seu publica instrumentum et Instrumenta Acta erant hec in villis de Kilbrouchane Estirborannicht et Westirborannicht horis nona et decima ante meridiem vel eocirca sub anno mense die indicione et Pontificatu supradictis Presentibus protunc ibidem Malcolmo Stewart, Johanne Stewart fratribus germanis predicti Nigelli Patricio Mode, Jacobo Stewart, Roberto Stewart, Patricio Macay ffinlao M'Candoy Duncano M'Alester Stewart Johanne M'persoun Donaldo Makane M'gilcallum Alexandro Patricii Crom Adam Patricii Crom Donaldo M'Gillecrest cum diuersis aliis testibus ad premissa vocatis pariter et rogatis.

Et ego Henricus Walcare Presbiter Sanctiandree Diocesis publicus Sacra Apostolica autoritate notarius Quia predictarum terrarum de Kilbrouchane Estirborannicht et Westirborannicht cum pertinenciis status saisine et possessionis donacione et recepciōi Ceterisque premissis omnibus et singulis dum sic vt premittitur agerentur dicerentur et fierent vnacum prenominati testibus presens interfui Eaque omnia et singula sic fieri vidi sciui et audiui ac in notam cepi Ex qua presens publicum instrumentum manu mea scriptum exinde confeci Signoque et subscriptione meis solitis et consuetis signaui et subscripsi in fidem et testimonium veritatis omnium et singulorum premissorum per prenominatum Nigellum Stewart rogatus et requisitus.

CROWN PRECEPT OF SASINE in favour of NEIL STEWART of Forthergill and CHRISTIAN STEWART, his spouse, of the Lands of Bowrek, Lassintullycht, etc. Dated 1st March 1504.

Athole
Charter-
Room.

Jacobus Dei gracia Rex Scotorum vicecomiti et balliuis suis de Perth necnon dilectis nostris Johanne Stewart Roberto Makane May Alexandro Makane May Duncano Donaldsoun et fynlayo Makqwene ac eorum cuilibet coniunctim et diuisim vicecomitibus nostris de Perth in hac parte salutem Quia dedimus et concessimus hereditarie dilectis nostris Nigello Stewart de Forthirgill et Cristiane Stewart eius sponse et ipsorum alteri diucius viuenti in coniuncta infeodacione omnes et singulas terras de Bowrek, Leyduyk Lassyntulicht, Tullochresk, Kynzeathane, Pitdorny, Veltirblaris et terras dominicales viz. le manys de Forthirgyll cum pertinenciis: jacentes in baronia de Forthirgill infra vicecomitatum nostrum de Perth Quequidem terre cum pertinenciis fuerunt dicti Nigelli hereditarie et quas idem non vi aut metu ductus nec errore lapsus sed sua mera et spontanea voluntate in manibus nostris apud Edinburgh per fustum et baculum et procuratores suos ad hoc legitime constitutos sursum reddidit pureque et simpliciter resignauit prout in carta nostra dictis Nigello et Cristiane eius sponse desuper confecta plenius continetur vobis precipimus et mandamus quatenus dictis Nigello et Cristiane eius sponse et ipsorum alteri diucius viuenti in coniuncta infeodacione vel suis certis actornatis latoribus presencium sasinam predictarum terrarum cum pertinenciis secundum tenorem dicte carte nostre quam de nobis inde habent juste huiusmodi faciatis et sine dilatione et hoc nullo modo omittatis ad quod faciendum vobis et vestrum cuilibet coniunctim et diuisim vicecomitibus nostris de Perth in hac parte committimus potestatem Datum sub testimonio magni sigilli nostri apud Edinburgh primo die mensis Marcii Anno Domini millesimo quingentesimo quarto et regni nostri decimo septimo.

ABRIDGMENT of Crown Charter to NEIL STEWART of Forthergill and CRISTINA STEWART, his spouse, of the Lands of Bowrek, Mains of Forthergill, etc. 1st March 1504-5.

Registrum
Magni
Sigilli, Lib.
xiv. 81.

Jacobus Dei gracia rex Scotorum Sciatis nos dedisse confirmasse Nigello Stewart de Forthirgill et Cristine Stewart eius sponse et ipsorum alteri diutius viuenti in coniuncta infeodacione, omnes et singulas terras de Bowrek, Leyduyk, Lassintulicht, Tullochresk, Kynzeathane, Pitdorny, Veltirblaris, et terras dominicales, viz. le Manys de Forthirgill, in baronia de Forthirgill infra vicecomitatum nostrum de Perth; que quidem terre cum pertinenciis fuerunt Nigelli hereditarie, et quas idem non vi aut metu ductus, etc. . . . in manibus nostris resignauit, ac totum jus et clameum que in dictis terris cum pertinenciis habuit, quittelamauit imperpetuum: Tenendas et habendas omnes et singulas predictas terras de Bowrek, etc. . . . dictis Nigello et Cristine eius sponse et ipsorum alteri diutius viuenti, in coniuncta infeodacione, et heredibus inter ipsos legitime procreatis seu procreandis, quibus deficientibus, legitimis heredibus dicti Nigelli quibuscunque, de nobis et successoribus nostris in feodo et hereditate imperpetuum, per omnes rectas metas suas adeo libere in omnibus et per omnia sicut dictus Nigellus aut predecessores sui predictas terras de nobis ante dictam resignacionem nobis inde factam liberius tenuit; Faciendo inde annuatim dictus Nigellus et Cristina, etc. . . . nobis et successoribus nostris iura et seruicia de dictis terris ante dictam resignacionem nobis debita et consueta: In cuius rei testimonium presenti carte nostre magnum sigillum nostrum apponi precepimus; testibus vt in secunda carta precedente. Apud Edinburgh, primo die mensis Marcii, anno Domini millesimo quingentesimo quarto, et regni nostri decimo septimo.

ABSTRACT of Crown Charter to ALEXANDER EARL of HUNTLY, of the Lands of Forthergill and others. 25th March 1505.

Ibid.,
Lib. xiv.
No. 206.

Charter by King James IV. to Alexander, Earl of Huntlie, of the lands and barony of Forthergill, with the castle and fortalice of Garth; also the lands of Pitdorny, Tullochcurren, and Dalnagarn, in the shire of Perth, which lands, barony, castle, etc., belonged to Neil Stewart, son and heir of the late Neil Stewart of Forthergill, in heritage; and

which the said Neil Stewart, younger, resigned in the king's hands at Edinburgh. To be held of the Crown in feu and heritage as freely, etc., as they were formerly held by the said Neil Stewart and his predecessors. Dated at Edinburgh, 25th March 1505.

Acta Domi-
norum Con-
cilio, Vol.
xvi. f. 219,
14th March
1504-5.

PROCESS by ROBERT MENZIES of that ilk, against NEIL STEWART of Forthergill, for the burning of the Castle of Weme. 14th and 15th March 1504-5.

Comperit Robert Menzies of that ilk askit ane Instrument of this interlocutor (That is to say that the lordis Repellit and decernit of nane avale the exception proponit be master Andro Caidiow procurator for Nele Stewart allegeand that the said Robert had dischargeit befor ane notar quhen he was at liberte at the chapell of Melyn the said Nele of all guidis and skathl sustenit be the said Robert and takin fra him) for the quhilkis he maid the said Nele to be summond now becaus the lordis vnderstude that he was nocht at full liberte as wes requirit on the law quhen he maid the said discharge bot was in danger of the said Neill and his compliceis and the place quhare the said discharge was maid was within the boundis quhare the said Nele and his compliceis mycht haif done harme to the said Robert: hora xi. Testibus M. Jacobo Hay M. Henrico White.

Ibid., f. 228,
15th March
1505.

In the action and caus persewit be Robert Menzies of that ilk knycht agane Nele Stewart of forthirgill for the wrangwis distruction and dovncastin of his mansionplace and fortalice of the Weme and for the byrning and distruction of diuers wittalis Insiecht gudis and vther gudis like as at mare lencht is contenit in the summondis thairupon the said Robert being personaly present and the said Nele comperand be master Andro Cadiow his procurator Thare rechtis ressonis etc. The lordis of Consale decretis and deliueris that the said Nele sall content and pay to the said Robert the sovme of ij^c li. vsuale money of Scotland for the byrning wasting and destroyng of his place of the Weme with the pertinentis the sovme of xxx^{li}, for the beddin of the said place and certane clathis distroyit and byrnt elikewis the soume of tend pund for twa stand of harnes xx li. for xij Jakkis viij^{li} for certane splentis xiiij s. for ane best splent xxvij s. for ij sellatis and gorgeatis xx s. for ane hewmond xl s. for certane stele bannets xlvij s. for xxiiij speris xl s. for iiij culverynis viij merkis for certane bowis and arrowis xij merkis for certane swerdis buklaris and gluvis of plate ij li. for certane burdeclathis and towellis ij li. for powderweschell jx s. for chanlars v^{li} for pottis viij merkis for lantruns xx^s for pannis xx^s for gurdillis vj s. viij d. for spetis x^{li} for the clething of the said Robert and his serwandis x^{li} for butter and cheiss xij merks for xij^{boll} of mele and malt xxxij^s for ij bollis of quhete liij s. for ij martis the sovme of xl merks for vthir wittale and gere pertening to the said Robert and his seruandis xl^{li} for oxin Item In the Weme L. chalder of atis pryce chalder with the foddir viij merks xij chalder of bere with the foddir price chalder xvj merks Item in Cabusarnay xij^{ch} of aitis pryce ch. with the fodir viij^{mks} iiij^{ch} of bere pr. ch. with the foddir xvj mks. The quhilkis guidis and cornis pertenit to the said Robert and was byrnit spulyeit takin away and distroyt be the said Nele and his compliceis in the saids place and landis in the yeir of God J^m v^c and twa yeris, and also the said Nele sall content and pay to the said Robert for the proffitts that he mycht haif had in the occupying of his said landis and he had bene vntrubillit be the said Nele and his complices the nixt yere thairefter in the first xx chaldr of atis sawin in the Weme estimat to the thrid corne price of the chalder viij merks, xl^{boll} of bere sawin estimat to the ferd corne price chalder xvj merks Item in Cabussarnay xij chalder of atis sawin estimat to the thrid corne price chaulder viij merks, xvj bolls of bere sawin estimat to the ferde corne price chalder xvj merks Item the sovme of xx^{li} for the proffitt of the ky that he mycht haif haldin on the said ground, xxx^{li} for the proffitt of the shep that he mycht haif halden on the said ground The sovme of viij^{xx} of merks for the waisting destroyng and haldin waste and for the malis and proffittis of our souerane Lordis lands of Apnadull and certane vthyr landis contenit in the said summonds pertening to the said Robert in feu ferme The sovme of i^c xxiv merks for v^{xx} xiiij bollis of mele and malt of the fermes of the said Roberts by Granges the sovme of

j^e lb. for malis proffits and dewteis that he mycht haif haid of his awin propre landis of Forleyard Boltoehame and moness the said yere. The sovme of x^{lb} of the said vsuall money of Seotland for the malis and proffitts of the said Roberts mylne of Abirfaldy and Kynnaldie Like as was suffieiently previt before the Lords as to the spulze, and as to the quantitie and prieses refferit to the said Roberts atht quhilk maid faith thairuppoun in presenee of the said Lordis, and ordanis our souerane lords letre to be direct to compell and distrenze the said Nele his landis and gndis thairfoir.

In the actioun and canss persewit be Robert Menzes of that ilk Knycht agane Nele Stewart of Forthirgill Robert Stewart of Monskeid Robert Stewart M'Kay Alex^r Stewart his Brother, Robert Stewart in Garntulg, Donald M'Persoun Duneane Patirsoun, Duneane M'Oyne Gillander M'Oyne his sone Paulle Augusson Symeon M'Gillereaihe Alex^r Dow and Donald M'Comes for the wrangwiss spoliatioun awaytakin and withhalding fra the said Robert out of his landis and Barony of Weme of Ie rydding horses and dyuers othyr gndis like as at mair lenth is contenit in the sunmonds thairuppoun The sade Robert being personally present and the sade Nele comperand be master Andro Cadiow his procuratour and the remanent of the saids personis being lauchfully summond to this actioun oftymes callit and nocht comperit, the saids Robert and Nele's ryehtis ressonnis etc. The Lordis of Connsall decretis and deliueris that the said Nele and the remanent of the persounis his complices abone wrtten sall content and pay to the said Robert the sovme of ij^e merks vsuale money of Seotland for xiiij horsseis with thair rydding grayth spulzeit and takin away be the said persounis the tyme of the birning of the place of the Weme. xj horsse and two meres the sammyne tyme price peee ourhed with thair rydding grayth L^s lx of wild and teme horsseis and meres spulyeit and tane furth of the said landis the sammyne tyme price peee xxxs, iiij^e nolt price ij^e lb. and for the skath that the said Robert and his said serwandis sustenit throu the want of the said nolt horsse and meres for ilk peee iiij^s. Item the sovme of iiij merkis for iiij^{bolle} malt takin furth of his myle of Abirfaldy, the sovme of iiij merkis for ane draucht nete and the sovme of iiij merkis of the said vsuale money for the avale of the said Roberts bate of Abirfeldy The quhilk gudes war spulyeit and takin away be the said Nele and his complices forsaid out of the said landis with thair pertinents like as was suffieiently previt befor the lords as to the spulyeis and as to the quantitie and prieses refferit to the said Roberts atht quhilk maid faith thairuppoun in presens of the saids Lordis And ordanis our souerane Lords letrez to be direct to compell and distrenze the said personis thair landis and gudes for the forsaid sovmes as effeirs.

Eodem die.

COMPLAINT by ROBERT MENZIES of Enoch against ANDRO LORD GRAY, anent the Lands of Monskid (Bonskeid). 14th November 1505.

Acta Dominorum Concilii, Vol. xvii. fol. 13.

Anent the suplicatioun maid be Robert Menzies of Ennok Knycht agane Andro Lord Gray for the wrangwiss deferring to ressaue him Tennent to the landis Monskid and Bounerannych liand within the sherifdome of Pertlit quhilk pertenit of before to Robert Stewart and was apprisit to the said Robert Menzies by our souerane Lordis letres for certane sovmiz of money reeouerit be him apoun the said Robert Stewart be the decreete of the Lordis of counsale the said Andro Lord Gray as supperior of the forsaid Landis being requirit be our souerane Lordis letres to haf enteret the said Robert Menzies of the sammyne like as at mair lenth is contenit in the said supplicatioun maid thairapoun bayth the saidis partys being personally present The said Andro Lord Gray allegit the said landis war his awin and lauchtfully redemit be him fra the said Robert Stewart, and als it was allegit be the said Robert Menzies that the said landis war lauchtfully apprisit to him and therby suld pertene to him. Therefore the Lordis of counsale continewis the said matter in the sammyne forme force and effect as it is now on the xxix day of Nouember instant with continuatioun of dais and ordanis the said Andro Lord Gray to produce the processis of redeming of the saidis landis and als ordanis the said Robert Menzies to produce the processis of apprising of the sammyne agane the said day, and thereafter Justice sall be ministrat and the partys are warnit hereof apnd acta.

Acta Dom.
Con., Vol.
xvii. fol. 57.

PROTEST by ROBERT MENZIES of that ilk in the same case, at Edinburgh, in his own house.
1st December 1505.

Comparit Robert Menzies of that ilk Knycht and protestit that nochtwithstanding any protestations that the Lord Gray or his procuratours maks agane him anent the bill and act maid of the landis of monskid and Buneramy or any othyr thing that thai doe in his contraire turn him to na preiudice becauss that he is the persewar and that he nor thai ar nowther summond peremptourly to na day, and that he may haue priuelege to persequ the said Lord in the said actioun quhen and quhere it plesses him geif neid beis. Testibus Johanne Oliphant Archibaldo Bailie Magister Johanne Chisolme cum diuersis aliis.

Acts of Par-
liament of
Scotland,
Vol. ii.
p. 255.

JOHN EARL of ATHOLE and NEIL STEWART of Forthergill summoned before Parliament for treason.
June 1504.

The quhilk day Johne Erle of Athole and Nele Stewart of Forthergill, grantit thaim summond apoun tressoune as was contenit in the letrez of summondis and offerit thaim tharin reddy to vnderly the lawis thairfoir and thairupoun askit Instruments hinc inde, Acta in pretorio Burgi de Ed^r hora vndecima ante meridiem. Testibus Roberto abbate de Kelso, domino Patricio Creichton de Cranstoun milite, Comite de Cathness, domino Daid Hume, Wilelmo Magistro Ruwane, Jacobo Logane vicino de Ed^r, M. Andrea Cadiow notario publico M. Alex^{ro} Rate et Johanne Homyl etc.

Acta Dom.
Con., Vol.
xxiv. fol.
64 b.

ACTION between ROBERT MENZIES of that ilk, against LORD GRAY, ROBERT STEWART, etc. 9th Dec. 1512.

Continewis the Summonds rasit at the instance of Robert Menzies of that ilk knycht agane Andro Lord Gray Alex^r Donaldson and Rot. Stewart in Monskyd that is to say the sade Andro Lord Gray for the wrangvis postponying to ressaife the sade Robert Menzies Tennant to him of the landis of Monskyd and Manrannyth apprysit to the sade Robert for soumes aucht to him be the said Robert Stewart, and als the said Lord Gray to him decernit to warrand . . . to the said Robert Menzeis the saidis landis as assignay thairto be wertu of the said apprysing at our souerane lordis handis and all vtherys, quhilk war analyt to the said Robert Stewart and his predecessours be the said Lord and his forbears, and ar now recognisit in our sowerane lordis handis and the said Alex^r Donaldsoun and Robert Stewart for the wrangwiss occupation of the said landis be the space of iii zeiris and ane half bygane.

Ibid., fol.
128 a.

ACTION by the Crown against OGILVY of Inchmartin and others, auent the Lands of Strathardill.
21st February 1512.

Anent the Summondis maid at the instance of our souerane Lord agane James Ogiluy of Inchemartyne and Alex^r Cuninghame of Polmais and Robert Cuninghame his sone and all vtherys havand intress to the lands of Strathardill Ogiluy and Strathardill Cunnyngame, to the sammyn decernit to pertene to our Souerane Lord in properte be ressoun of the alienatioun of the maist pairt . . . The said James Ogiluy being personally present and W^m Scott of Baluery knycht comperand for his intress quhilk Sh^r W^m allegiit that he haid sufficient confirmatiounis apoun the alienatiounis maid of the said landis to vmquhill Johne Stewart of Fothergill be the saids Lairdis of Inshemartyne and Polmais forbears, and desirit ane terme to produce the sammyn Thairfore the Lordis of Counsale assignis to the said Sir W^m the xvij day of Marche nixt to cum with continuatioun of dais.

Ibid., fol.
144 a.

ACTION by ROBERT MENZIES of that ilk, against LORD GRAY and others. 26th February 1512.

Anent the summondis maid at the instance of Robert Menzeis of that ilk knight agane Andro Lord Gray Alex^r Donaldsoun and Robert Stewart in Monskyd that is to say the said Lord as proprietor of the landis of Monskyd and Manrannyth for the wrangewis postponying to ressaife the said Robert Tenant to him thairrof according to the process of apprysing maid to him thairuppon for sovmes of money recouerit be him apoun the said Robert Stewart and als the said Andro Lord Gray for to here and see him decernit to

warrant to the said Sh^r Robert the said landis as assignay thairto be wertu of the said apprysing and agane the said Robert Stewart and Alex^r Donaldsoun ffor the wrangwes occupation of the said landis and vptaking of the proffitts thairof be the space of iii zeiris and a half The saids Robert Menzeis of that ilk being personaly present and the said Andro Lord Gray comperand be Master Adam Otterburn his procuratoure the saidis Robert Stewart and Alex^r Donaldsoun being lauchtfully summond. The party's presents rychts, etc. The Lordis of Counsale decretis and Delhueris that the said Andro Lord Gray sall ressafe the said Robert Menzeis of that ilk tennant to him of the said landis of Monskyd and Manrannyth efter the forme of the said process of apprysing led thairuppoun for somviz of money aucht to him be the said Robert Stewart and als that the said Andro Lord Gray sall warrant acquete and defend to the said Robert Menzeis the said landis as assignay thairto be wertu of the said apprysing becauss the said Andro Lord Grays forbears analiit the sammyne to the forbearis of the said Robert Stewart with clausses of warrandice to thame thair aris and assignais.

Contract between Andro Lord Gray and Sir Robert Menzies of that ilk knight anent the preceding litigation submitting the decision thereof to arbiters, viz. William bishop of Aberdeen, John Prior of St. Andrews, William Master of Ruthven, Mr. David Seyton, parson of Fettercarn and James Henrison of Fordell, who decree that the said lord Gray shall pay to the said Sir Robert 100 merks within 15 days thereafter, and also to pay to him the arrears of revenue of the said lands, and then the said Sir Robert is to be entirely and perpetually excluded therefrom. Dated at Edinburgh, 24 February 1512-13.

Acta Dom.
Con., Vol.
xxiv. fol.
148.

ACTION by ANDREW OLIPHANT and others against JAMES MUSCHET of Colgarth, ROBERT and NEIL STEWART, and others. 16th May 1516.

Ibid., Vol.
xxix. fol. 93.

In the action raised by Andro Oliphant and Elizabeth Oliphant Relict of the late George Grahame of Calendar against James Muschet of Colgarth George Schaw of Knockhill, David Balfour son and heir to Michell Balfour of Bourtie, Robert Stewart, Neile Stewart, David Balfour, with their complices to the number of Lxxx persons because they came to the maling of the Bordlands of Auchterardour, and there eat and destroyed xxvi bollis of aittis at iiij^s per boll and took away v ky price of the piece xxij^s ane ox price xx^s and ane horse price iiij merks, and to get the said James Muchet to warrant acquit and defend the said Andro and Elizabeth the tak and assedation of the said lands. The Lords decern him to do so for seven years from Whitsunday J^m V^e xvj, and as to the other points, continew the action to the day of [sic] with continuation of dais.

In the action and cause raised by Andro and Elizabeth Oliphant against James Muschet of Colgarth, Robert Stewart Neile Stewart and others for eating and spoiling a large quantitie of grain and other property in the lands of Bordlands, the Lords decern the said persons to have done wrong, and ordain letters to be written to compell and distrenze them for the amount they destroyed and took away.

Ibid., fol.
190 b, 3rd
April 1517.

NOTES of Process between ALEXANDER EARL of HUNTLY and MARGARET STEWART, LADY GORDON. 1518.

Ibid., Vol.
xxix. fol. 9,
16th June
1518.

Continuation of action between Alexander Earl of Huntlie on the one part, and Margaret Stewart Lady Gordone, on the other. The said Alexander having assedation maid to him be John Lord Gordon his soun of the lands of Badzenach and Forthergill with the placis of Ruthven and Garth, and being in possession thereof, and wishing letters to be direct to the Sheriffs to keep him in possession, and the said Margaret wishing to be put and kept in possession of the said lands, because she has a conjunct fee of the lands and houses and has nothing else to live on. The Lords continue the action to the xxvth June instant.

Decision in the action between Alexander Earl of Huntlie and Margaret Stewart Lady Gordon, as to the toun and lands of Badzenach and Forthirgill, etc., that the said Margaret is to be answerit and obeyit in all mailis fermis profitis etc. of the said lands,

Ibid., fol. 43,
26th June
1518.

and the said Alexander is to deliver to her or his factors the houses and placis of Rnthven and Garth to be enjoyed by her, and this is to take effect from the date hereof.

Acta Dom.
Con., Vol.
xxxiv.
fol. 159 b,
23rd April
1524.

Comperit Nele Stewart of Forthirgill and constitute ane Reuerend fader in god Andro Bischope of Cathnes Robert Leslie Mr. Thomas Hanmiltoun Patrik Buttir of Gormok Mr. Andro Patersone procuratoris for him in the actionn persewit be him aganis George Erle of Huntlie and Margrett Lady Gordoun and in all vthir actionnis and specialie anenth the redeming of his landis of Forthirgill and Garth cum potestate subscribendi et promisit de rato.

Ibid., Vol.
xxxv. fol.
28.

ACTION by NEIL STEWART against MARGARET LADY GORDON anent the redemption of Forthergill, etc.
17th May 1524.

Anent the Summondis maid at the instance of Neil Stewart of Forthergyll aganis Margreit Lady Gordoun possessour of the landis of Forthergill and Gorthy George Erle of Huntlie hir sone and his tutoris gif he ony has for thar intress ffor the wranguiss postponyng and deferring to ressaue fra the said Neile the sowm of viij^e merkis vsuale money of this realm for the Redempcioun of the saidis landis of Forthergill and Gorthy with thar pertinentis liand within the Sherefdom of Perth analijt be the said Neile to vmquhile Alexander Erle of Huntlie vndir ane Reuersioun contenand the said sowm of aucht hundreth merkis as the sammyn proportis and for the wranguiss deferring to Renunce Resigne and ourgiff to the said Neil the saidis landis with thar pertinentis eftir the form and tenor of the said Reursion maid be the said vmquhile Alexander Erle of Huntlie for him and his airis thairapoun becaus the said Neil has fulfillit the sammyn in all pointis and has lauchfully Redemit the saidis landis lyk as at mair lenth is contenit in the said summondis The said Neile comperand be Robert Leslie his procuratour and the said Margrete comperand be Maister Robert Galbraith hir procuratour and the saidis George Erle of Huntlie and his tutoris gif he ony has being lauchfully summond be opin proclamatioun at the mercat cross of Perth oft tinez callit and nocht comperit the partijs punctis Richtis Resonnis etc. The Lordis of Counsale Decretis deliueris and decernis that the said Neil Stewart has lauchfully Redemit and quit oute his saidis landis of Forthergyll and the Garthe with the pertinentis fra the said Margreit Lady Gordoun as possessour thair of efter the tenour of the said Reuersioun and that he has fulfillit the sammyn in all punctis for his part Becauss he requirit thame lauchfully to ressaue the sowm contenit in the said reuersioun apoun the premonicioun of fourty dais as ane auctentic Instrument of Johnne Diksoune notar public schewin thairapoun proportit and bur of the dait the xxij day of Marche the zeir of god J^m v^e and xxij zeris and nomerit and consignit the said sowm in keping to thair behufe in the handis of Maister Alexander Dougless Maister Archbald Bonar and Maister Thomas Greig channonis of the Cathedral kirk of Dunkell and deput to ressaue the said sowm be the den thair of and deliuerit the sammyn as ane auctentic Instrument maid thairapon vnder the signe and subscription of Maister Johnne Thomson notar public in lykwys schewin and producit befor the saidis lordis proportit and bur of the dait at the hie alter of the kirk of Dunkell the secund day of May the zeir of god j^m v^e and xxiiij zeris and eftir the forme and tenour of the said Reuersioun, and tharfor ordanis thame to Resigne Renunce and ourgiff the saidis landis of Forthergill and Garthe with the pertinentis to the said Neile and in fauour of him with Charter precept and instrument of saising and all vther euidentis quhilkis sche has thair of according to the said Reuersioun and als sall content and pay to him the malis and proffittis of the saidis landis sen the said secund day of Maj in the zer of god forsaid be reson that the said Neil had redemit lauchfully the saidis landis as said is and that lettrez be direct heirapoun in form as efferis Resseruand to the said Margret Lady Gordoun to call quham sche plesis for hir Releif in the said mater and ordanis hir to haif summondis thairapoun as she plesis to libell.

Eodem die.
Ibid. fol. 29.

In presens of the lordis of Counsale comperit maister Robert Galbrath procuratour for Margret Lady Gordoune and gaif in ane writing in forme of protestatioun of the

quhilk the tenour followis. The quhilk day Maister Robert Galbraith procuratour for Margret Lady Gordoune allegit that the landis of Baidzenach Garth and Forthirgill was gevin to hir in coniuuet fe be vinquhile Alexander Erle of Huntlie for the sovme of vij merkis be zeir of fre money and gif the saidis landis of Garth and Forthergill beis decernit redemit be Neile Stewart be numeratioun and consignatione of the sowme of viij^e markis scho will want zerely of the malis of the saidis landis of Garth and Forthergill the sovme of lxxx merkis considering it payit zerly to hir of before vj^e xx merkis of maile and thairfor protestit that scho mycht haue hir releif aganis George now Erle of Huntlie hir son as air to vinquhile Alexander Erle of Huntlie or ony vtheris as it accordis apoun the law for safer as scho wantis profitis throw redemptioun of the saidis landis according to the obligatioun maid be the said vinquhile Alexander to our souerane lord his successoris and the said Margret quhilk protestatioun the lordis admittit and resseruit to hir for actione to call quham scho pleisit for hir releif.

DECREET by the Lords of Council in the action by NEIL STEWART of Forthergill against LADY GORDON and the EARL of HUNTLY, regarding the redemption of the Lands of Forthergill and Garth. Dated 17th May 1525. Athole Charter-Room.

At Edinburgh the xvij day of May The zer of God J^m v^e and xxv zeris. The Lordis of counsale vndervrittin that is to say maist Reuerend and Reuerend faderis in God James Archbischof of Sanctandrois chancelare Gawine Archbischof of Glasgw Gawyne Bischof of Aberdene James Bischof of Dunblane, Noble and Mychtie Lordis Archibald erle of Angus Jhone erle of Levinax. Venerable faderis in God Robert Abbot of Paslay Edwart Abbot of Newbottle maister Jhone Campbell of Lundy Thesaurar Williame Scott of Balwery Knycht and maister Adam Ottirburn of Auldhame Anent the summondis maid at the Instance of Nele Stewart of Forthergill aganis Margaret Lady Gordoun possessour of the landis of Forthergill and Garthy George erle of Huntlie hir sone and his tutouris geif he ony has for thar interesses ffor the wranguis postponing and deferring to ressaue fra the said Nele the Sowme of viij^e merkis vsuale money of this realme for the redempcioun of the saidis landis of Forthergill and Garthy with thar pertinentis liand within the schirefdome of Perth analyit be the said Nele to vinquhile Alexander erle of Huntlie vndir ane reuersioun contenand the said sowme of aucht hundreth merkis as the samyn proportis and for the wranguis deferring to renunce resigne and ourgeif to the said Nele the saidis landis with thar pertinentis eftir the forme and tenour of the said reuersioun maid be the said vinquhile Alexander erle of Huntlie for him and his airis tharupoun becaus the said Nele has fulfillit the samin in all punctis and has lauchfully redemit the saidis landis Lik as at mair lenth is contenit in the said summondis The said Nele comperand be Robert Leslie his procuratour and the said Margaret comperand be maister Robert Galbraith hir procuratour and the saidis George erle of Huntlie and his tutouris geif he ony has being lauchfully summond be oppin proclamacioun at the merket cross of Perth oft times callit and nocht comperit the pairtiis punctis rychtis resounis and allegaciounis hard sene and vnderstand and tharwith being riplie auisit The Lordis of Counsale Decretis deliueris and decernis that the said Nele Stewart has lauchfully redemit and quite out his saidis landis of Forthergill and the Garth with the pertinentis fra the said Margaret Ladye Gordoun as possessour tharof eftir the tenour of the said reuersioun And that he has fulfillit the samyn in all punctis for his part Becaus he requirit thaim lauchfully to ressaue the sowme contenit in the said reuersioun apoun the premunicioun of fourty dais as ane auctentick instrument of Jhone Diksone notar public schewin tharupoun proportit and bure of the dait the xxij day of Marche the zer of God J^m v^e and xxij zeris And nomerit and consignit the said sowme in keeping to thar behufe in the handis of maister Alexander Douglace maister Archibald Boner and maister Thomas Greg Channonis of the cathedrale Kirk of Dunkeld and depute to ressaue the said sowm be the Dene tharof and deliuerit the samyn as ane auctentic Instrument maid thairupoun vnder the signe and subscripcioun of maister Jhone Thomsonsone notar public inlikwise schewin and producit befor the saidis Lordis proportit and bure Off the dait at the hie altar of the Kirk of Dunkeld the

secund day of Maii the zere of God J^m v^c and xxiiij zeris And eftir the forme and tenour of the said reuersioun And thairfor ordanis thaim to resigne renunce and ourgeif the saidis landis of Forthergill and Gorthy with the pertinentis to the said Nele and in favour of him with charter precept and instrument of sesing and all vther eidentis quhilkis sche has thairfor according to the said reuersioun And als sal content and pay to him the malis and profitis of the saidis landis sen the said secund day of Maii in the zer of God forsaide be resoun that the said Nele had redemit lauchfully the saidis landis as said is And that Letrez be direct heirapoun in forme as efferis Reseruand to the said Margaret Lady Gordoun to call quham sche plesis for hir releif in the said mater And ordanis hir to have summondis thairupoun as sche plesis to libell. Extractum de libro actorum per me Gavinum Episcopum Abirdonensem Clericum Rotulorum Registri ac Consilii Supremi Domini nostri Regis sub meis signo et Subscripcione manualibus. GAWINUS DUNBAR.

Athole
Charter-
Room.

CROWN PRECEPT for infetung NEIL STEWART of Forthergill and CHRISTINA STEWART, his wife, in liferent, and JOHN EARL of ATHOLL heritably, in the Lands of Forthergill and Garth, with the Rock and Fortalice thereof. Dated 2nd June 1525.

Jacobus Dei gracia Rex Scotorum vicecomiti et balliuis suis de Perth necnon dilectis nostris Thome Stevart Johanni Stevart ac eorum cuilibet coniunctum et diuisim vicecomitibus nostris de Perth in hac parte salutem Quia nos cum ausamento autoritate et consensu carissime genetricis nostre regine et secreti Consilii nostri dominorum in parlamento nostro per tres regni nostri status ad hoc electorum dedimus et concessimus dilectis nostris Nigello Stewart de Forthergill et Cristine Stewart sponse sue et ipsorum alteri diucius viuenti in vitali reddito pro toto tempore vite sue necnon dilecto consanguineo nostro Johanni comiti Atholie hereditarie Totas et integras terras de Forthergill et Garth cum rupe et fortalicio earundem et officio forestarii foreste de Oschechaille cum feodis et proficuis eiusdem et suis pertinenciis jacentes infra vicecomitatum nostrum de Perth Quequidem terre cum rupe fortalicio officio forestarii et suis pertinenciis fuerunt dicti Nigelli hereditarie Et quas et que Idem non vi aut metu ductus nec errore lapsus sed sua mera pura et spontanea voluntate per fustem et procuratores suos ad hoc legitime constitutos et literas suas patentes in manus nostras apud Edinburgh sursum reddidit pureque et simpliciter resignauit prout in carta nostra sibi desuper confecta plenius continetur vobis precipimus et mandamus quatenus dictis Nigello et Cristine sponse sue et ipsorum alteri diucius viuenti in vitali reddito¹ tempore vite sue sasinam dicarum terrarum cum rupe fortalicio et officio forestarii predictis et suis pertinenciis Johanni comiti Atholie sasinam hereditariam earundem secundum tenorem dicte nostre carte quam de habent juste haberi faciatis Et sine dilatione Et hoc nullo modo omittatis Ad quod faciendam v[obis et vest]rum cuilibet coniunctim et diuisim vicecomitibus nostris de Perth in hac parte committimus potestatem Datum Sub testimonio Magni Sigilli nostri Apud Edinburgh Secundo die mensis Junii Anno regni nostri duodecimo.

(Cauda) Sasina

Acta Dom.
Con., Vol.
xxxix. fol.
104 b.

DECREET by the Lords of Council at the instance of ROBERT MENZIES of that Ilk, Knight, against JOHN EARL of ATHOLE, reducing a Commission of Justiciary held by the latter. 19th February 1528.

Anent oure Souerane Lordis letres purchest at the instance of Robert Menzeis of that Ilk, knyght, aganis Johnne Erle of Athole, that quhar vmquhile Robert Menzeis of that Ilk, fader to the said Robert sustenit grete scaith heirschip and slauchteris committit vpoun him and his seruandis be Neile Stewart and his seruandis, man and brother-of-law to vmquhile Johnne Erle of Athole for taking of our Souerane Lordis landis of Apnadull and Rannach in few ferme in augmentacioun of his rentale; ffor the quhilk causis of slauchter heirschip byrnyng and deidle feide the said vmquhile Robert Menzeis was exemit, and his tennentis and seruandis in likwiss fra the said vmquhile Johnne

¹ Original wasted.

Erle of Athole as Justice in that pairt his office and Jurisdiction. And now the said Johnne Erle of Athole sonn and air of the said vmquhile Johnne Erle of Athole havand the said Robert, his freindis tennentis and sermandis at deidlie feide and Inmyte siclik as his fadir had of before; and to causs thame leif thair landis waist to him and his freindis; has optenit ane commissionne of Justiciary within the said Robertis Balzerie of Grantully, and heretage of Rannach barony of Menzeis Apnadull and all vtheris his boundis with the pertinentis, tending to call the said Robert his freindis tennentis and seruandis to his Justice courtis for thair distructionis; and thairfore the said Johnne Erle of Athole to produce the said commissionn of Justiciarie to be sene and considerit gif it be conforme to justice, and for the commoun weile of the realme, as at mair lenth is contenit in the summondis thairupoune. The said Robert Menzeis beand personalie present, and the said Johnne Erle of Athole lauchfullie summond to this actionn oftymes callit and nocht comperit, The Lordis of Counsale decretis deliueris and decernis the said Commissionne of Justiciarie grauntit and gevin to the said Johnne Earle of Athole to ceiss and to haue na strenth nor effect in tyme to cum, and letres to be direct herupoune as efferis.

* SUMMONS of ERROR against NEIL STEWART of Garth, etc. 15th January 1532-33.

Summons of Error by the Crown Agent Patrick Butter of Gormo, Gilbert Gray of Buttergask, John Creichton of Strathurde knight, Robert Menzeis of that ilk knight, John Creichton of Innernyte, D. Scrimgeour of Fardill, John Blair of Ardblair, John Chalmer of Drumloch, Mr. Peter Scott of Monze, Robert Ferguson of Darcully, Nese Ramsay of Banff, George Haliburton of Piteur, Nele Stewart of Garth, John Rattray of Lethill, and William Eveoch of Balhousy, for serving a brief of Inquest obtained from Chancery by Laurence Lord Oliphant "nevoy" and heir of John Lord Oliphant in three-fourths of the lands of Petcaithly, etc.

Acta Domi-
norum Con-
cillii et Ses-
sionis, Vol.
ii. fol. 47.

DECREET of TRANSFERENCE of the fine for burning the Castle of Weem, to ROBERT MENZIES, as heir to his father. 9th March 1533.

Ibid., Vol.
iv.

Transferris the decrete gevin be the Lordis of vmquhile our souerane Lordis Counsale quham god assolze to vmquhile Robert Menzeis of that ilk aganis Neile Stewart of Forthergill of the date at Edinburgh the xv day of Merche the zeir of God Jm ve xiiij zeiris Decernand the said Neile to content and pay to the said vmquhile Robert the sovme of ij^e li. vsuale money of the Realme for byrning waisting and distroying of the said vmquhile Robertis Place of the Weyme with the pertinentis and vther sovmez of money contenit in the said decrete. In the said Robert Menzeis executour to the said vmquhile Robert Menzeis his fadir with all that follow'd thairupoune and ordanis siclik letrez be direct at the instance of the said Robert Executour forsaid to poynd and distrenze the said Neile his landis and gudis for the sovmez contenit in the said decrete for payment to be maid thair of to the said Robert Executour forsaid. In siclik maner and forme as was and suld haue bene direct at the Instance of his fadir in the said mater. The said Robert Menzeis comperand be Maister Thomas Marioribankis his procuratour, and the said Neile Stewart lauchfullie summond to this actionn of tymes callit and nocht comperit, etc.

DEEDS RELATING TO JOHN STEWART, LAST OF GARTH, Died 1577.

SASINE to JOHN STEWART, son and heir of Neil Stewart of Garth, in the Lands of Killebroach. Dated 30th January 1557.

Athole
Charter-
Room.

In Dei nomine Amen Per hoc presens publicum instrumentum cunctis pateat enidenter et notum sit quod anno incarnationis dominice millesimo quingentesimo quinquagesimo septimo mensis vero Januarii die penultimo indiccione prima pontificatus sanctissimi in Christo patris et domini nostri domini Pauli diuina prouidenceia pape quarti Anno Secundo In mei notarii publici et testium Subscriptorum presenciis Personaliter constitutus Willelmus Stewart feodatarius de Grantulie procurator vt asseruit et eo nomine

Johannis Stewart filii heredis quondam Nigelli Stewart de Garth accessit presenciam personalem nobilis domini Patricii domini Gray atque eidem quoddam preceptum regium in tercia cancellarie forma more eiusdem directum presentavit eundem dominum Idem Willelmus procurator vt supra pro sasina hereditaria capienda secundum tenorem eiusdem precepti regii requisivit et mandavit quod preceptum regium dictus dominus accepit suumque preceptum ad effectum antedictum sigillatum et subscriptum manuali sua subscripcione suoque proprio Sigillo dicto Willelmo procuratori nomine prefati Johannis prescripti dedit tradidit et deliberauit cuius precepti forma in hunc modum sequitur Patricius Dominus Gray baro baronie de Langforgund dilectis meis Johanni Banerman Johanni Straithauchan et vestrum cuilibet coniunctim et diuisim balliuis nostris in hac parte specialiter constitutis Salutem Quia per preceptum regineum e cancellaria S. D. N. regine nobis directum mandamur sasinam hereditariam tradere Johanni Stewart filio et heredi quondam Nigelli Stewart de Garth omnium et singularum terrarum de Killibroach cum pertinenciis jacentium infra vicecomitatum de Perth baroniam de Langforgund et comitatum Atholie et quaeuis dicte terre nobis in proprietate pertinent non minus ne mandatum non parere videamur vobis precipimus et mandamus quatenus statum et sasinam hereditariam omnium et singularum predictarum terrarum de Killibroach cum pertinenciis prefato Johanni vel suo certo actornato latori presencium per terre et lapidis fundi donationem vt moris est tradatis et deliberetis Saluo jure cuiuslibet et saluis iuribus nostris Et sub protestatione de non ledendo nostra iura et absque preiudicio nostre actionis quam circa easdem habemus seu ad redactionem retornati dicti Johannis aut aliquorum infeofamentorum predecessorum suorum huiusmodi terris Et Salua eciam securitate ante omnia que dictus Johannes nobis faciet pro dictis terris cum pertinenciis quod de jure facere tenetur Et hoc nullo modo omittatis Ad quod faciendum vobis et vestrum cuilibet nostram plenariam et irreuocabilem tenore presencium committimus potestatem In cuius rei testimonium presentibus manu nostra subscriptis Sigillum nostrum est appensum Apud Edinburgh penultimo die mensis Januarii Anno Domini millesimo quingentesimo quinquagesimo septimo Coram his testibus Georgio Gray Roberto Gray et Johanni Alyth testibus Quodquidem preceptum memoratus Willelmus procurator prescriptus recipiens dixit in quantum sibi Johanni Stewart attinet siue incumbit aut pro commodo et vitilitate sua spectat seu de Jure spectare poterit procuratorio nomine vt supra acceptare et recipere voluit alias neque alio modo acceptari noluit super quibus omnibus et singulis prefatus Willelmus procurator antedictus a me notario subscripto peciit instrumentum vnum vel plura Acta erant hec in cubiculo Willelmi Ogill scribe dicte cancellarie hora secunda post meridiem aut eocirca sub anno mense die loco indictione pontificatu quibus supra presentibus ibidem Johanne Straithauchin Georgio Gray, Georgio Gorthy, et dicto Willelmo Ogill scriba ac notario publico cum multis aliis ad premissa rogatis et requisitis.

Et ego Patricius Dodis sacra autoritate apostolica notarius clericus Glasguensis diocesis quia premissis omnibus et singulis dum sic ut premittitur dicerentur agerentur et fierent vnacum prenomatis testibus presens personaliter interfui eaque omnia et singula sic fieri dici sciui vidi et audiui ac in notam sumpsi Ideo hoc presens publicum instrumentum manu mea fideliter scriptum exinde confeci signoque nomine meis solitis et consuetis signavi in fidem et testimonium omnium et singulorum premissorum rogatus et requisitus.

Athole
Charter-
Room.

SASINE to JOHN STEWART, son and heir of Neil Stewart of Garth, in the Lands of Killebroach and Easter and Wester Borannichs. James Stewart of Bonskeid is Attorney. Dated 7th June 1558.

In Dei nomine Amen Per hoc presens publicum instrumentum cunctis pateat euidenter quod Anno incarnationis dominice millesimo quingentesimo quinquagesimo octauo mensis vero Junii die septimo indictione pontificatus in Christo patris et Domini nostri domini Pauli diuina prouidencia pape quarti anno tercio In mei notarii publici et testium subscriptorum presencis Personaliter constitutus honorabilis vir Jacobus Stewart de Bowin-scede actornatus honorabilis viri Johannis Stewart filii et heredis quondam Nigelli Stewart

[de] Garth quoddam sasine preceptum nobilis et potentis domini Patricii domini Gray in pergameni scriptum proprio sigillo ipsius nobilis domini cera rubea albe impressa cum pendicula pergaminca impendente sigillatum presentavit prouido viro Johanni Straquhone ballino in hac parte specialiter constituto debita cum instancia ipsum requirens quatenus ad executionem huius modi precepti indilate accederet: quodquidem preceptum idem Johannes Straquhoun reuerencia qua decuit recepit et mihi notario publico subscripto perlegendum tradidit Quorum actornati et precepti tenores sequitur [sic] respectiue et de verbo in verbum sunt tales et primum quidem actornati tenor sequitur sub hac serie verborum Maria Dei gracia regina Scotorum omnibus probis hominibus suis ad quos presentes litere peruenerint salutem Sciatis quod suscepimus Jacobum Stewart de Boninsceide vel eorum aliquos vel aliquem actornatos vel actornatum dilecti nostri Joannis Stewart filii et heredis quondam Nigelli Stewart de Garth in omnibus negociis et loquelis plaittis et querelis motis seu mouendis ipsum Joannem tangentibus seu tangere valentibus quibuscunque diebus et locis contra quoscunque et coram quibuscunque Quare vobis precepimus et mandauimus quatenus dictum Jacobum Stewart de Bowinsceide vel eorum aliquos vel aliquem quos vel quem presentes vel presentem esse contigerit tanquam actornatos (vel actornatum) dicti Joannis in premissis recipiatis presentibus post annum minime valituris In cuius rei testimonium has literas nostras sibi fieri fecimus patentes Apud Edinburgh vicesimo quinto die mensis Aprilis Anno regni nostri decimo sexto Et precepti dicti tenor sequitur de verbo in verbum sequitur et est talis Patrieius dominus Gray baro baronie de Langforgowun dilectis meis Joanni Banerman Joanni Straquhone et vestrum cuilibet coniunctim et diuisim balliuis nostris in hac parte specialiter constitutis salutem quia per preceptum regineum e cancellaria Supreme domine nostre regine nobis directum mandamur sasinam hereditariam tradere Johanni Stewart filio et heredi quondam Nigelli Stewart de Garth omnium et singularum terrarum de Kylebroacht Estir Bowrannych et vestir Bourannych cum pertinenciis jacentium infra vicecomitatum de Perth baroniam de Langforgowin et comitatum Atholie et quamuis dicte terre nobis in proprietate pertinent non minus ne mandatis non parere videamur vobis precepimus et mandauimus quatenus sasinam et statum hereditarium omnium et singularum predictarum terrarum de Kylebroacht estir Bowrannych et vestir Bowraunycht cum pertinenciis prefato Joanni vel suo certo actornato lateri presencium per terre et lapidis tradicionem ut moris est tradatis et deliberetis saluo Jure cuiuslibet et saluis juribus nostris et sub protestacione de non ledendo nostro Jure et absque preiudicio nostre actionis quam circa easdem habemus seu ad reductionem actornati dicti Johannis aut aliquorum infeofamentorum predecessorum suorum de huiusmodi terris et salua etiam actione nostra pro reductione presentis precepti et sasine inde sequentis et omnium aliorum infeofamentorum inde sequentium capiendo eciam securitatem ante omnia quod dictus Johannes nobis faciet pro dictis terris cum pertinenciis quod de jure facere tenetur et hoc nullo modo omittatis Ad quod faciendum vobis et vestrum cuilibet nostram plenariam et irreuocabilem tenore presencium committimus potestatem In cuius rei testimonium presentibus manu nostra subscriptis sigillum nostrum est appensum Apud Edinburgh penvltimo die mensis Januarii Anno millesimo quingentesimo quinquagesimo septimo Coram his testibus Georgio Gray Roberto Gray et Johanne Alytht testibus subscriptis eiusdem precepti Post earundem precepti et actornati presentacionem recepcionem lecturam et in vulgari per me notarium subscriptum exposicionem prefatus Joannes Straquahome balliuus ut supra personaliter accessit ad terras de Kylebroacht antedictas ibique virtute prenominati precepti et actornati et eo nomine dicti Joannis prefato Jacobo Stewart de Bowuniscede actornato dicti Joannis Stewart filii et heredis quondam Nigelli Stewart de Garth statum Sasinam hereditariam et possessionem actualem et corporalem omnium et singularum predictarum terrarum de Kylebroacht cum pertinenciis super solum seu fundum earundem terrarum per terre et lapidis donacionem et tradicionem secundum tenorem infeofamenti dicti Joannis saluo jure cuiuslibet ut moris est tradidit dedit atque deliberauit demum depost Idem Joannes Straquhone etiam accessit ad antefatas terras de estir Bourannycht et vestir Bowrannycht ibidemque eidem Jacobo

Stewart de Bownisceide nomine dicti Joannis Stewart filii et heredis quondam Nigelli Stewart de Garth statum sasinam hereditariam et possessionem dictarum terrarum de estir Bowrannycht et vestir Bowrannycht cum pertinenciis per terre et lapidis traditionem super solum earundem similiter tradidit atque deliberavit et hoc eciam secundum tenorem sui infeofamenti de et super quibus omnibus et singulis premissis sepedictus Jacobus Stewart actornatus dicti Joannis Stewart filii et heredis quondam Nigelli Stewart de Garth a me notario publico subscripto sibi fieri peciit vnum vel plura publicum seu publica instrumentum seu instrumenta. Acta erant hec in villis de Killebroachane estir Bourannyeh et vestir Bourannyeh horis nona et decima ante meridiem vel eo circa sub anno mense die indictione et pontificatu supradictis Presentibus ibidem Johanne Stewart MakWilliam.

Et ego Robertus Robertson clericus Dunkeldensis diocesis sacra autoritate apostolica notarius quia premissis omnibus et singulis dum sic vt premittitur dicerentur agerentur et fierent vnam prenominatis testibus presens personaliter interfui eaque omnia et singula sic fieri dici sciui vidi audiui ac in notam sumpsit Ideo hoc presens instrumentum manu aliena fideliter scriptum exinde confeci signoque nomine et cognomine meis solitis et consuetis signavi in fidem et testimonium omnium et singulorum premissorum rogatus et requisitus. R. R.
Robertus Robertson notarius manu sua.

Athole
Charter-
Room.

PRECEPT OF SASINE by JOHN EARL of ATHOLL in favour of JOHN STEWART, son and apparent heir of Neil Stewart of Garth, in the Lands of Innerquhaddane, Dalchossing, etc. Dated 18th May 1561.

Joannes comes Atholie et Dominus de Balwany etc Dilectis nostris Wilhelmus [sic] Stewart de Gartunlie Georgius [sic] Lesly balliuis nostris in hac parte coniunctim et diuisim specialiter constitutis salutem quia hereditarie dedimus et concessimus dilecto nostro consanguineo Joanni Stewart filio et apparenti heredi quondam Nigelli Stewart de Garth et heredibus suis masculis de corpore suo legitime procreandis precise omnes et singulas terras nostras infrascriptas viz. terras de Innerquhaddane Dalchossing Tempair Lassintullycht Tullychterosk et duas mercatas terrarum de Kennequhan extendentes in toto ad sexdecim libratas terrarum antiqui extentus cum pertinenciis vobis igitur et vestrum cuilibet precipimus et mandamus quatenus visis presentibus Indilate Statum Sasinam hereditariam Et possessionem realem corporalem et actuaalem predictarum terrarum de Innerquhaddane Dalchossing Tempair Lassintullycht Tullychterosk et duarum mercarum terrarum de Kennequhane cum pertinenciis dicto Johanni vel suo certo actornato latori presencium secundum tenorem carte nostre sibi desuper confecte juste haberi faciatis et deliberetis Et hoc nullo modo omittatis Ad quod faciendum Vobis et vestrum cuilibet coniunctim et diuisim nostram plenariam et irrevocabilem tenore presencium committimus potestatem In cuius rei testimonium Sigillum nostrum proprium presentibus manu nostra subscriptis est appensum Apud civitatem Dunkeldensem decimo octavo die mensis Maii Anno Domini j^m v^e sexagesimo primo. Testibus Willelmo Stewart de Grantulle, Roberto Leslie de Arthourscheir, Georgio Leslie de Wrquhill, Joanne Stewart apparente de Murey et Roberto Flemyng de Mones.

JHONE ERLL OF ATHOLL.

Athole
Charter-
Room.

SASINE, *propriis suis manibus*, by JOHN STEWART of Bonrannich, Superior, in favour of JOHN STEWART, son of James Stewart of Bonskeid and Janet Stewart, his wife, in the Lands of Killebrochane, Bonskeid, and Borannichs. Dated 12th June 1563.

In Dei nomine Amen Per hoc presens publicum instrumentum cunctis pateat euidenter et sit notum quod anno incarnationis dominice millesimo quingentesimo sexagesimo tercio mensis vero Junii die duodecima indictione sexta Pontificatus in Cristo patris et Domini nostri Domini Pii diuina providencia pape quarti anno quarto In mei notarii publici et testium subscriptorum presencia personaliter constitutus honora-

bilis vir Joannes Stewart de Bunrannoch Superior terrarum de Killebrochquane cum pendiculis et pertinenciis Jacentium in baronia de Langforgone et infra vicecomitatum de Perth accessit huiusmodi terras cum pendiculis et pertinenciis viz. Killebrochtquane Bonskeid et duas Borannichis et ibidem super solum seu fundum earundem respective et singillatim Idem Joannes Stewart Statum sasinam et possessionem hereditariam dictarum terrarum cum pertinenciis Joanni Stewart filio legitimo Jacobi Stewart de Bonskeid genito interipsum et Jonetam Stewart eius sponsam modernam suis propriis manibus per terre et lapidis tradicionem tradidit et deliberavit secundum formam et tenorem carte et evidentiis desuper confectorum reservans dicto Jacobo Stewart suo vitali redditu et libero tenemento dictarum terrarum cum pertinenciis et prefate Jonete Stewart sua coniuncta infeodacione de huiusmodi terris sine aliqua parte earundem alias sibi data et concessa et rationabili tertia earundem terrarum pro toto tempore vite sue Quequidem terre de Killebrochtquane Bonskeid et Borannichis cum pertinenciis fuerunt prius predicti Jacobi Stewart hereditarie et terre de Borannichis in vitali redditu pertinentes dicte Jonete et quas etiam terras de Bonskeid Killebrochtquane et Borannichis cum pertinenciis ipse Jacobus Stewart et Joneta eius sponsa respective et singillatim non vi aut metu ducti nec errore lapsi (ut apparuit) sed ex suis meris liberis et spontaneis voluntatibus in manibus dicti Joannis Stewart de Bunrannoch tanquam in manibus superioris earundem per fustem et baculum sursum reddiderunt pureque et simpliciter resignarunt reservantes ipsis vitali redditu earundem terrarum ut premittitur qua resignacione sic facta et per dictum Joannem Stewart de Bunrannoch admissa Idem Joannes huiusmodi terras cum pertinenciis dicto Joanni Stewart filio legitimo dicti Jacobi et Jonete tunc presenti statum contulit dedit concessit et donavit secundum formam et tenorem antiqui infeofamenti carte et evidentiis alias desuper confectorum reservans dicto Jacobo vitali redditu et libero tenemento dictarum terrarum et Jonete Stewart eius vitali redditu terrarum de Borannichis et rationabili terrarum [sic] singularum dictarum terrarum Solempnitatibus in similibus solitis et consuetis debite observatis super quibus omnibus et singulis dicti Jacobus Stewart et Joneta Stewart nominibus propriis et dicti Joannis eorum filii a me notario publico subscripto instrumenta petierunt Acta erant hec super fundum dictarum respective terrarum horis respective prima secunda et quarta pomeridianis sub anno die mense indicione et pontificatu quibus supra Ibidem pro tunc Jacobo Stewart in Fancastell Alexandro Stewart in Bofrak Jacobo Stewart de Pitdorne Joanne Stewart et Alexandro Stewart fratribus germanis Donaldto M'Allester WcGillelane et Willelmo Douglas testibus ad premissa vocatis et requisitis.

Et ego Duncanus M'Nair Clericus Dunblanensis Diocesis publicus sacra autoritate apostolica notarius quia premissis omnibus et singulis dum sic vt premittitur dicerentur agerentur ac fierent vnacum prenomminatis testibus presens interfui eaque et singula sic fieri et dici vidi sciui et audiui ac in notam cepi ex qua hoc presens publicum instrumentum manu mea scriptum confeci signoque nomine cognomine et subscripcione meis solitis et consuetis signavi in fidem robor et testimonium veritatis omnium et singulorum premissorum rogatus et requisitus.

DEEDS RELATING TO MARIE STEWART OF GARTH.

COMMISSION under the Great Seal, appointing the Sheriff of Perth to act as Sheriff of Nairn, in the service of MARY STEWART to her father, Neil Stewart of Forthergill, in the Lands of Clunes in Nairn, and Balrannoch in Perth. Dated 23rd May 1577.

Athole
Charter-
Room.

Jacobus Dei gratia Rex Scotorum Omnibus probis hominibus suis ad quos presentes litere pervenerint salutem Sciatis quod dilecta nostra Maria Stewart filia et heres appa-

rens quondam Nigelli Stewart de Fortregill per suam supplicationem nostri consilii dominis porrectam exposuit quod ipsa impetratura est breuia inquisitionis capelle nostre vt deseruiatur tanquam propinquior et legitima heres dicto suo quondam patri de totis et integris terris de Clunes jacentibus infra vicecomitatum nostrum de Narne ac de terris de Balrannoch jacentibus infra vicecomitatum nostrum de Perth In quibus dictus eius quondam pater obiit ultimo vestitus et sasitus vt de feodo Et quia prenominate terre in diuersis nostris vicecomitatibus jacent Et quod Joannes Campbell de Caldour vicecomes dicti nostri vicecomitatus de Narne extat coram quo dicta Maria justiciam nec seruicium dictorum suorum breuium habitura non est Ratione inimicitie et bilis que inter consanguineum nostrum Atholie comitem consanguineum et capitalem dominum dicte Marie suosque amicos ex parte vna ac consanguineum nostrum Ergadie comitem suosque consanguineos et amicos ex parte altera orta extitit et adhuc extat de quibus dictus Joannes Campbell de Caldour vicecomes antedictus de principalibus vnus est Et quod dicta Maria in partibus illis pro deseruitione dictorum suorum breuium siue conuocatione suorum amicorum accedere non valet quod inconvenientias inter dictas partes generare potest Ac etiam mille sunt persone infra dictum nostrum vicecomitatum de Narne commorantes Iudicii nec cognicionis ad decernendum super validitatem infeofamentorum et euidentiarum dicte Marie quibus ipsa de dictis terris deserui debet nec iudicium desuper cognoscendi habent Igitur cum dicte terre in variis nostris vicecomitatibus vt premissum est jacent eo respectu ac pro aliis causis superius expressis prefatis nostri consilii dominis cognitis nostra commissio sibi dari et concedi debet faciens et constituens vicecomitem nostrum de Perth et deputatos suos vicecomites dicti nostri vicecomitatus de Narne in hac parte pro deseruitione dictorum suorum breuium vna et coniunctim ad evitandas inconvenientias magnosque labores et expensas ac ad sedendum in pretorio burgi nostri de Perth ad hunc effectum cum loco dispensans ac eundem adeo legitimum ac si pretorium burgi nostri de Narne pro causis antedictis admittens ac etiam quia quondam Joannes Stewart frater dicte Marie qui tanquam heres prefato suo quondam patri de dictis terris perprius succedere debebat pro eisdem causis Nostram commissionem a dictis nostri consilii dominis pro deseruitione sui de eisdem tanquam heredis prefato quondam Nigello Stewart eius patri obtinuit et interim minime deseruitus obiit Prout dicta commissio desuper coram prefatis dominis onerose proportat ac in dicta supplicatione plenius continetur Nos igitur ex dictorum dominorum deliberatione fecimus constituimus et ordinauimus ac presentium tenore facimus constituimus et ordinamus vicecomitem nostrum de Perth et deputatos suos vicecomites dicti nostri vicecomitatus de Narne in hac parte pro deseruitione breuium dicte Marie de dictis terris de Clunes dantes concedentes et committentes iisdem nostram plenam potestatem et mandatum speciale breuia antedicta infra dictum pretorium burgi nostri de Perth proclanari et debite deserui ad effectum prescriptum faciendi Curiam seu curias dicti nostri vicecomitatus intra dictum pretorium ad effectum suprascriptum statuendi inchoandi affligendi affirmandi tenendi et quoties opus fuerit continuandi Clericos seriandos adiudicatores omnesque alios officarios et curie membra necessaria faciendi creandi et jurari causandi pro quibus respondere tenebuntur Inquisitiones dicti nostri vicecomitatus de Narne et aliarum quatuor dimidietatum circa jacentium ad comparandum coram ipsis ad exeundum super dicta deseruitione quoties necesse fuerit quamlibet personam sub pena viginti librarum summoniendi eligendi et jurari causandi Et generaliter omnia alia et singula faciendi dicendi gerendi et exercendi que in premissis et circa ea necessaria fuerit seu quomodolibet oportuna Insuper dictum pretorium burgi nostri de Perth adeo legitimum ac si pretorium burgi nostri de Narne ad effectum suprascriptum per presentes aduittimus et cum loco desuper dispensamus Quare vniuersis et singulis quorum interest vel interesse poterit stricte precipimus et mandamus quatenus dictis vicecomiti nostro de Perth et deputatis suis tanquam vicecomitibus vicecomitatus nostri de Narne in hoc parte suis officiariis et ministris in omnibus et singulis premissa tangentibus prompte pareant respondeant et intendant Sub omni pena que competere poterit in hac parte Mandamus eciam Preposito et balliuis burgi nostri de Perth ut iuramenta dicti nostri

vicecomitis de Perth et deputatorum suorum pro vera et fideli administratione justicie in dicta materia pro deservitione breuium dicte Marie antedictorum accipiant quibus preposito et balliuis Nos ad huiusmodi effectum per presentes potestatem committimus Datum sub testimonio nostri magni Sigilli Apud Edinburgh vicesimo tercio die mensis Maii Anno Domini Millesimo quingentesimo septuagesimo septimo Et regni nostri decimo.

Ex deliberatione dominorum Consilii etc.
Commissio.

INQUEST on the service of MARIE STEWART, as heir to John Stewart, her brother, and Neil Stewart of Forthergill, her father. 29th July 1577.

Bonskeid
Charters,
1577.

Per Joannem Peblis burgensem de Perth vicecomitem Deputatum vigesimo nono die mensis Julii Anno Domini millesimo quingentesimo septuagesimo septimo virtute literarum dispensationis S. D. N. Regis ex deliberatione Dominorum Consilii. The quhilk Day compeirit in iudgment Mr. Alexander Skein and William Ramsay actornayis for Marie Stewart and producit tua brewis of our Sowerane Lordis Chappell purchessit at hir instance deulie execut and indorsit and clamit and set to be servit this day The anc to be servit as neirest and lauchfull air to vnuquhill Jhone Steuart hir brother of all and sindrie the landis of Kailebrochane eister baranycht and vester baranycht vith the pertinentis and the vther to be servit as neirest and lauffull air to vnuquhill Neill Steuart of forthirgall hir father of the landis of Craichtgorrow Monegrane and teneueschebeig contenit in the clamis producit quhilkis breiwis and clamis being opinlie red in iudgment the executionis of the saidis breiwis verefeit be William Suordnair executer thair of Jhone Banerman cary Jhone Moncur messinger and Thomas Gaw noter vitnes thairin contenit and all parteis hawand or pretendand to hawe entress diuers tymis callit lauchfull tym of day biddin and nain compeirand Quhairvpoun the producteris of the saidis brewis and clamis tuik act and desyrit the samyn to be put to the knowlege of ane inquest and producit the shirefis precept dewlie execut and indorsat vpone the personis of inquest following to that effect.

The quhilk day compeirit in iudgment Jhone Steuart of bonskeid vith assistance of Alexander Steuart of Cars and James Steuart in fancastell his curatouris for thair entress and producit ane instrument of saising beiring him to be saisit heretable in the landis of kailziebrochan contenit in the clame haldin be him Immediatlhe of the said Jhone Steuart quhom to scho desyris to be servit air as the said saising of the dait the tuelf day of Junii the zeir of god Jm ve Lxiiij zeiris vnder the signe and Subscription of Duncane McNair noter beiris and protestit thairfoir that the service of the said Marie of the saidis landis be nocht hurt to him nor his rycht of the saidis landis.

Theirefter the said Jhone Steuart and his curatouris foirsaidis for thair entres tuik vp the said saising again and past fra the productioun thair of or vsing of the samyn outhir befoir the iudge or inquest.

The Judge ordanis the saidis breiwis and clamis to be put to the knowlege of ane inquest becaus na pairtie compeirit [to] obiect thair againis and ordanis the inqueist to be callit quhairvpoun the saidis actornayis for the said Marie Steuart tuik act.

ASSISA.

Jhone Blair of bagillo.
Petir Hay of Meginche.
William Kymman of Hill.
Patrik Steuart of Stuiakis.
George Drummond of Blair.

David Rettray of Craighall.
Jhone Fergusoun of derkhullich.
Alex^r Steuart of Cars.
Andro Blair of Ardblair.
Jhone Steuart of Pitfurie.

Thomas Steuart of Kynnaird.
Robert Flemyng of Mones.
Neill Steuart of fois.
Jhone Steuart of bothespik.
Jhone Banerman of kardney.

The productouris of the saidis brewis and clamis tuik act and instrument that the samyu var put to the knowledge of ane inqueist and that na pairtie compeirit to obiect thair againis and also that the inqueist tuik act thairvpoun and that the said sasing ves tane vp be the said Jhone Steuart and his Curatouris for thair entress and nocht vsit be them and that the sasing vas nocht producit befor the said inqueist bot only befor the admitting of tham quhilk ves tane vp as said is.

The said Mr. Alexander Skein and William Ramsay actornayis for the said Marie Steuart for instructing of the saidis clamis anent the landis of kailzebrochan eister-barranycht and vester-barranycht vith thair pertinentis producit ane extract of the retoure quhair vnquhill Sir Jhone Steuart ves servit and retourit as sone and air to vnquhill Neill Steuart of the saidis landis of kailzebrochan daitit the penult day of Nouember the zeir of god Jm v^e Liii and als producit ane precept of vnquhill Andro Lord Gray gewand command to gif sasing to vnquhill Neill Steuart sone to vnquhill Neill Steuart of forthirgall of all and haill the landis of kailzebrochan eister barranycht vester barranycht vith thair pertinentis daitit the thrid day of Nouember the zeir of god Jm v^e zeiris Item for the mair superabundance producit the said vnquhill Neill his sasing of the landis of Killebrochan vith the pertinentis per Sigillum in Secunda cauda daitit at foulis the tuentie-sexth day of Apryll the zeir of god Jm v^e sewintie-aucht zeiris¹ Item also producit ane Instrument of Sasing gewin vpone ane precept of Clare constat be vnquhill Andro Lord gray Superior of the saidis landis of killebrochan eister barranycht and vester barranycht vith thair pertinentis quhairby the said vnquhill Neill sone to the said vnquhill Neill Steuart of forthirgall vas saisit in the foirsaidis landis of kailziebrochan eister barranycht vester barranycht daitit the fyftein day of Apryll the zeir of god Jm v^e and ane zeiris Henrie Walcar being noter thairto and siclyk producit ane sasing of vnquhill Jhone Steuart brother to the said Marie quhairby he vas sasit be ane precept direct be Patrik Lord Gray be vertew of chairgis direct furth of the chancellarie in all and haill the landis of Killiebrochan eister barranycht and Wester barranycht daitit the sewint day of Julii the zeir of god Jm v^e fyftie-aucht vnder the not signe and subscrip-tioun of Robert Robertsons noter And for instructing of the said clame anent the saidis landis of Craigarrow Monegrane and thrid pairt landis of teneweschebeig producit ane retour quhair vnquhyll Neill Steuart ves servit and retourit as sone and air to vnquhyll Neill Steuart of forthirgall his father of the same landis vith thair pertinentis as the said retoure daitit the tuentie day of Maii the zeir of Jm v^e zeiris beiris And als producit ane instrument of sasing quhairby vnquhyll Neill Steuart of forthirgall ves sasit as sone and air to vnquyll Neill Steuart of forthirgall his father In all and haill the saidis landis of crochtgarrow moneygrane and thrid pairt landis of teneueschebeig vith thair pertinentis be vertew of ane precept of clareconstat gewin be vnquhill Jhone Moncreiff of that ilk Superior thairto as the said instrument daitit the zeir of god Jm v^e zeiris vnder the not signe and subscrip-tioun of vnquhyll Henrie Walcar noter at lenth beiris In respect of the quhilk peices and evidentis producit the productouris thair of foirsaidis desyrit the said inqueist to serve the said Marie Steuart affirmative according thairto breevis and clamis producit becaus na pairtie compeirit to obiect thair againis as said is and thairvpoun tuik act.

Qui Jurati dicunt quod quondam Joannes Steuart frater Marie Steuart Latricis presentium obiit ultimo vestitus et sasitus vt feodo ad fidem et pacem domini nostri regis de omnibus et singulis terris de kailzebrochan eisteir barranycht vester barranycht cum pertinentiis Jacentibus infra vicecomitatum de Perth baroniam de Langforgoun et comitatum Atholie et quod dicta Marie est legitima et propinquier heres eiusdem quondam Joannis fratris sui de omnibus et singulis dictis terris de kailbrochan eister barranycht wester barranycht cum pertinentiis et quod est legitime etatis et quod dicte terre de kailzebrochan cum pertinentiis valent nunc per annum xxviij mercis vj^s viij^d et in tempore pacis nouem mercis et quod dicte terre de eister barranycht et Wester barranycht cum pertinentiis valent nunc per annum duodecem mercis et in tempore pacis xx^s et quod

¹ This is probably a clerical error for 1478.

omnes et singule prediecte terre de Killzebrochan eister barranycht et vester barranycht tenentur in capite de Patricio Domino de Gray heredibus suis et assignatis viz. prefate terre de kailzebrochan pro solutione vnus denarii monete Scotie currentis Super Solum dictarum terrarum nomine albe firme si petatur tantum et dicte terre de Eister barranycht et Wester barranycht cum pertinentiis per servitium wardi et relewii et quod omnes et singule prediecte terre de kailzebrochan eister barranycht and [sic] vester barranycht cum pertinentiis nunc existunt provt exstebant in manibus dicti patricii Domini de Gray tanquam in manibus sui superioris earundem per spatium vnus termini vltimo preteriti aut eo circa ratione non introitus et id ob caussam mortis dicti quondam Joannis fratris sui in defectu dicte Marie sui veri heredis earundem ius suum hucusque minime prosequentis. In cuius Rei testimonium, etc.

DEEDS AND DOCUMENTS RELATING TO THE STEWARTS OF BONSKIED.

ABRIDGMENT of Testament of JAMES STEWART of Bonskied. Confirmed 28th January 1567.

Edinburgh
Testaments,
Vol. i.

The testament testamantar and inventar of the gudis and geir and dettis pertening to umquhile James Stewart of Bonskind, the tyne of his deceis quha deceist vpoune the sextene day of the moneth of October the zeir of God j^m thrie scoir fyve zeirs, faithfullie maid and gevin up be himself immediatlie afor the tyne of his deceis foirsaid befor thir witnesses James Stewart of Beldornye, James Stewart in Fancastell, Sir Andrew Lowne, Vicar of Blair-in-Athole, etc. In the first the said umquhile James Stewart, confessit and grantit him to haif had the tyne of his deceis, foirsaid the gudis geir and cornis following pertening to him as his awin propir guidis viz. fourtene oxen price of the pece four pundis summa fiftie-sex pundis. Item twentie ky price of the pece thrie pundis sex s. viij^d. summa threescoir sex pundis sex s. viij^d. Item four zoung quoykis price of the pece fourtie s. summa aucht pundis. Item four stirkis price of the pece xij^s. iij^d. summa liii^s. iij^d. Item thriescoir of auld scheip price of the pece aucht s. summa iij^{lib}. Item zoung scheip price of the pece sex s. summa sex lib. Item fyve auld werk horsis price of the pece liij^s. iij^d. summa threttene pundis sex s. viij^d. Item xx wyld meiris price of the pece foure lib. summa foure scoir pundis. Item sex zeirling foillis folloand the saidis meiris, price of the pece fourty s. summa twelf pundis. Item seven scoir bollis of small aittis for horse corne price of the boll sex s. viij^d. summa forty-sex lib. xiiij^s. iij^d. Item threttie-twa bollis of beir price of the boll xij^s. iij^d. summa twentie-ane pundis sex s. viij^d. Item of insycht geir estimate to foure pundis. Summa of the Inventar is iij^e. xi^{lib}. xij^s. iij^d.

Na dettis awing to the deid. Among the debts due by the deceased are: Item to James Stewart of Petdoran of lent siluer foure pundis xij^s. iij^d. Item to James Stewart in Fancastell for his teyndis of Bonskind of the crope J^m v^c lxv zeris, twenty-sex s. viij^d. Item to John Stewart of Bunranocht superior of his landis for entrie of his sone afor his deceis sex lib. xiiij^s. iij^d.

Summa of the dettis awing be the deid is lxij^{li}. ix^s. viij^d. Restis of frie geir dettis deducit ij^c. Lxxviij^{lib}. iij^s. viij^d.

LATTER WILL and LEGACIE.

Sen nathing is mair certane than deith nor nathing mair uncertane than the houre of deith, I, James Stewart of Bonskind, makis my testament in the manner abone written and levis my saule to the Almighty God, and ordanis my body to be bureit in the kirk of Blair in Athole. Item be thir presentis I constitut and ordanis William Stewart of Grantuly and James Stewart in Fancastell tutors and curators to Johne Stewart, my son and air and to the rest of my bairnis and constitutis thame be thair names the foirsaidis W^m and James my executoris to dispone my gudis and geir pay the creditoures and to do and exerce all and quhatsumever thingis pertening to the office of executorie as thay will answer to the Eternal God. Sic subscribitur, Sir Archibald Lown, vicar of Blair in Athole, with my hand.

Bonskeid
Charters.

AGREEMENT between JOHN EARL of ATHOLE and the friends of umquhile James Stewart of Bonskeid,
as to care of his Bairns, Lands, and Geir. 16th March 1567.

At Dunkelden the sextene day of Merche the zeir of God Jm v^e threscoir sewin zeiris ane nobill and mychty Lord Johen erll of Atholl, lord of balwany, etc. and the freindis of umquhill James Stewart of boniskeid be thir presentis ordanis that the barnis landis and geir of the said umquhill James Stewart of boniskeid be vsit in maner following that is to say James Stewart in pitdorme sall haue ane las with hir barnis pairt of geir quhilk extendis to sexscoir of merkis and James Stewart in Fancastell sall haue ane Lawud and tuay lasses with thair barnis pairt of geir extending to aughtene scoir of merkis quhilks barnis the said James Stewart in fancastell and James Stewart in Pitdorme sall wphalde and sustene honestlie as efferis vpoun the excesence of thair said barnis pairt of geir onto the tyme that the saidis lasses be fourtene zeris of age and the said Lawude be of lauchtfull and perfyte age and that the Landis viz. the fywe-merk land of bonskeid with the mill and pertinence be sett to tenentis be James Stewart in fancastell zeirlie for twenty-four bollis victual alanerlie and the tuay-merk land of killebrochtquhane be possessit be James Stewart in pitdorme for the zeirlie payment of four merkis maill and four bollis beir and the said Stewart in fancastell to haue the fisching for to do weill to the barnis and the profeitt of the landis and mill foirsaidis to be vsit in this manair viz. James Stewart in fancastell and James Stewart in pitdorme sall mak compt and rakinng thair of zeirlie to William Stewart of grantullie Neill Stewart of grannycht and Johen Carlochoun of monzeis to be put zeirlie to the vtillite and profeitt of Johen Stewart now of bonskeid pupill and quhow soun the said Johen Stewart beis put to the scoulis the said James Stewart in fancastell sall haue tuelf bollis victuall zeirlie allowit to him togidder with the profeit of his barnis pairt of geir for his sustentatioun at the scoulis zeirlie and the saidis James and James Stewartis sall act thame in the Commissaris buikis of Dunkeld for payment and deliuerance of the saidis sowmis respective Ilk ane for thair awin pairt viz. Sex Scoir of merkis to ilk ane of the saidis lasses quhow soun thai be xiiij zeir auld at the faytht of the said nobill Lord and vther freindis to be warit to thair profeit and sex scoir of merkis to the said Lawde quhow soun he beis of lauchtfull and perfite age and giff ony of the saidis barnis deis that barnis pairt of geir to be equalie distributit amangis the rest of the lasses lewand and Neill Stewart of grannycht and Johen Stewart of Tullypoweris ar oblist coniunctlie and seueralie cautioneris for James Stewart in fancastell pairt and Johen Carlochoun of monzeis and Johen M'anetois in terrane in lik manair ar oblist cautioneris coniunctlie and seueralie for James Stewart in pitdorme pairt ondir the pane of pouding and the saidis James and James Stewartis ar oblist to releiff thair cautioneris in the premisses and als ar oblist for thame selfis thair airis and assignais to remoiff thame selfis thair guddis and familie fra all the said Johen Stewart of bonskeidis landis and Rowmis quhow soun he beis of lauchtfull and perfite age. Eodem die the saidis James Stewart in fancastell and James Stewart in pitdorme and als thair cautioneris respective foirsaidis ar bund and oblist of thair awin propir confessionis to fulfill obserue and keipe the abonewrittin ordinance and obligatioun in all pointis in sa far as concernis Ilk ane of thame ondir the pane of pouding. Testibus Joanne Stewart de pitfoure Andrea Small and Patricio Reid.

DUNCANUS M'NAIR, notarius, ad hec requisitus
manu sua scripta.

(Dorso) Contract or obligatioun twixt the Earl of Athol and James Stewart of Foncastle and James Stewart of Pitdorny Anent the Management of the Children of the deceast James Stewart of Bonskeid, viz. a son and two [sic] daughters. 1567.

CONTRACT of MARRIAGE between JOHN STEWART of Bonskeid, with consent of James Stewart in Finecastell and of John Earl of Athole, William Stewart of Grandtully, and others, on the one part; and Alexander Stewart of Carse, acting for his daughter MARGARET, on the other part. Dated 11th October 1572. Bonskeid Charters.

At Perth the Ellevint day of october The zeir of god ane thonsand fyve hundreth and thrie scoir tuelf zeiris It is appoyntit contrakit finallie endit and aggreit betnix honorabill pairteis Johne Stewarte of bunskinde pupill and minor annis with the expres consent assent counsale and auctoritee of James Stewarte in fianecastell his tutour testamantar Interuenyng also the avise counsale consent and assent of ane nobill and mychtie Lorde Johne Erle of Athole lord of baluenye his cheif, etc. William Stewarte of Grantullie and vtheris his kyn and freindis vndersubscryvand and assentand heirto for thair entres respectiue In actestatioun that the said nobill Lorde his cheif foirsaid with vtheris his kyn and freindis is content that the mariage vnderwritin and all vthir thing thairon dependand followand tak full effect in the self and that na fraude gyle nor dissait sall interuene to him in contraking heirof now in his infancie as gif he than war of perfyte age to performe the samyne himself be his awine counsale on the ane parte and Alexander Stewarte of Cars for him self and takand the birthing on him for Margaret Stewarte his lauchfull dochter now constitute in hir virginitee on the vthir parte in manere forme and effect as eftir followis That is to say the said Johne Stewarte God willing Eftir that he be recognoscit of fourtene zeris of aige entroun That he within the space of sex monethis immediatlie thaireftir following as he beis requirit be the said Alexander Sall marye and to wyfe have the said Margaret Stewarte And sall compleit and solemnizat the band of matrimonye with her in face of halie kirk and the congregatioun quhat tyme it sall pleis the said Alexander to require him thairto And als the said Johne Stewarte eftir the furthrynnig of his zeris of tutorie Sall immediatlie thaireftir following lauchfullie cheis and elect to him self curatouris ane or may conforme to the act of Parliament maid thairanent in sik caisses and thane befor the completing of the said band with consent of his said curatouris Intuitu matrimonii tantum Sall deulie and sufficientlie infest be chairtir and precept of sasing the said Margaret his future spous constitute in hir virginitee in liferent for all the dayis of hir life And the airis male lauchfullie to be gottin betuix him and the said Margaret be tytill of pure alienatioun In all and haill his landis vndirwritin, viz. In the haill tua-mark land of the myltoun of bunskinde of auld extent and rurnartour with the mylne and mylne landis of the samyne and thair pertinentis and in the tua-mark land of auld extent of Killebrochane with thair pendiclis and pertinentis Lyand within the baronie of Langforgund and scherrefdome of Perth To be haldin of him self in has fee for payment to him and his airis zeirle of ane pennye and rychsua to be haldin of his immediat Superiour conforme to the halding he hes thairof conforme to the infestment maid to him thairapone Othir be resignatioun or confirmatioun as sall best pleis the said Alexander to Require and accept And Sall warrand the samyne to hir in liferent and hir airis foirsaidis free of all ward releif and nonintree Ladeis terceis, etc. And sall do and renew the samyne sa oft and ay and quhill the said Margaret and hir contrakeris find hir self to be sufficientlie infest thairintill And Sall mak hir all vthir Securitie necessare thairapone as efferis ffor the quhilk caus the said Alexander Sall content pay and deliuer to the said Johne in name of tochir with the said Margaret the sowme of fyve hundreth markis money of this realme at termes following Thairof tua hundreth markis at the completing of the said mariage and the vther thrie hundreth markis in compleit payment of the said fyve hundreth markis within tua zeir nixt thaireftir And the said nobill Lorde contrakeris and freindis vndersubscryvand bindis and obliesses thame faythfullie thair airis to fortifye mainteine and defend the said Johne Stewarte pupill and his airis in all his landis heretages and possessionis And Sall nocht trubill nor molest him thairintill be thame selfis nor na vthir that thai may Latt in all tyme cuming And heirto baith the saidis pairteis hincinde hes bundin and oblist thame thair airis executouris and assignais to obserue keip and fulfill

all and sindrie heiddis poyntis and clausses heirop to vtheris And to that effect that thai cum nocht in the contrar heirop Be thir presentis nemmis and constitutes Maisturis Henrie Kynros, Johne Scharpe, Duncaue M'Nair. Thair procuraturis coniunctlie and seuirlie to compeir in thair names to that effect Promittentes de Rato absque Reuocatione In witnes of the quhilk thing baith the saidis pairteis hinc inde for thame selfis hes subscriuit this present contrak with thair handis and be the notar vndirwritin at thair commandis zeir day and place fairsaid Befoir thir witnes Johne Murray apperand of Tibbirmure John Stewart of Tullepowreis Andro Stoupe burges of Perth, Schir Duncaue M'Lagane redar in Dull Schir Thomas Glas, and Johne Daudisoune, noter publict admittit.

JHONE STEUART of bunskeyd with my hand.

JAMES STEWART tutoure with my hand on the pen led be Jhone Daudisoune notar publict admittit.

ALEXANDER STEWART of Cars.

Joannes Daudisoune Natarius publicus admissus ac testis in premissis Requisitus de mandatis dictorum Joannis Stewart Jacobi tutoris et Alexandri Stewart contrahentium respectiue manu sua.

ATHOLL.

W. STEWART off grantullye.

JOHANE STEWART off Tullipuries, etc.

(Dorso) Vndecimo Junii Anno Lxxvij Coram Domino Commissario Deputato.

Quhilk day Jhone Stewart of bonskeid Comperit in Jugement and of his awn fre motiue will oncompellit or coactit as apperit with expres consent and assent of Alexander Stewart of Cars and James Stewart in fancastell his lafull curatouris hes Ratefeit and appreuit and be thir presentis ratifes and apprewis the within writing contract and appoyntment in all hedis poyntis and clausis concerning his pairt And now the said Jhone being passit fourtene zeris of aige and as he hym self affermis and the saidis curatouris, is allreddy sewintene zeris with expres consent of his saidis curatouris faythfullie bindes and oblisses hym his airis and successouris to fulfill and performe this within writtin contract and appoyntment in all poyntis and clausis concerning hym as it Is within mentionat for his pairt And Inlyke maner the said Alexander Stewart of Cars faythfullie bindis and obllis hym to fulfill this within writing contract in ali heidis poyntis and clausis concernyng him and Margaret Stewart his dochtir as Is within mentionat In witnes heirop of the said Jhone and his curatouris fairsaid for his pairt And the said Alexander for hym self and his said dochtir hes subscriuit thir presentis as followis And Is contentit that the samyn be Insert and regestrat in the Commissaris bukis of Dunkeld And thai to be actit for fulfilling of the samyn And to haif the strenth of ane decreit with exequutoriellis to pas thairvpone in forme as efferis And the Juge Interponit his authoritie thairto in presens of baith the saidis pairteis consentand thairto Befoir thir witnes Schir Duncaue M'Nair, Robert Thomas, alias Fergusone, Jhone Stewart of Tullypowris, and Jhone Thomsone.

JHONE STEUART of boniskeid.

ALEX^r STEWART Curatour fairsaid.

JAMES STEWART in fancastell with my hand led at the pen be Schir David Morisone noter publict.

ALEX^r STEWART off Cars for my self and Margaret my dochtyr.

Duncanus M'Nair, notarius, ad hec requisitus manu sua, etc.

NOTARIAL INSTRUMENT, reciting various important Deeds acknowledged to have been received by JOHN STEWART of Bonskeid and ALEXANDER STEWART of Carse, his guardian. Dated 11th June 1577.

Bonskeid
Charters.

In Dei nomine Amen Per hoc presens publicum instrumentum cunctis pateat euidenter et sit notum quod anno incarnationis Dominice Millesimo quingentesimo Septuagesimo Septimo Mensis vero Junii die vndecimo Indictione quinta regni S. D. Jacobi Sexti Scotorum regis anno decimo In nostrorum notariorum Subscriptorum presentia personaliter constitutus comperit in Jugement befor the Commissar of Dunkeld honorabill and discreit personis James Stewart in fancastell and Johen Stewart of Tullypoureis his son and grantit and confessit thame selfis to be lauchtfullie warnit to remeiff thame selfis guddis geir and familie at the last feist of Witsonday in the zeir of god ane Thowsand fywe hundretht threscoir sawintene zeiris fra Johen Stewart bonskeidis landis ondirwrittin viz. the fourthy-schilling land of bonskid it self callit the ourmanis the merk land of the miltoun the merk land of Royenamartour and the ten-schilling land of croft allester Mullycht The tuay-merk land and ane half of ester borannycht quhilk wes in nail M'Robert wiffis hand and the myln and milland of bonskeid with housses yardis toftis croftis and pertinentis and oblisces thame selfis in tyme tocum nocht to mell nor Intromett with the sammyn nor ony part nor pendicule thairof bot sall leiff the sammyn woid and red to the said Johen Stewart of bonskeid suay that he may be him self and vtheris in his name frelie bruike Jois and possess the sammyn in all tymis to cum as he Sall think expedient and the said Johen Stewart of boniskeid and Alexander Stewart of cars his curatour grantis and confessis thame to haue resaut the euidentis and writtis ondirspecefeit fra the handis of James Stewart in fancastell viz. ane chartour giffin be Johen Stewart of Garth to his son Alexander Stewart with consent of his eldest son Neill Stewart of the landis of killebroquhane with the pertinentis with the saising pas thairapoun And ane chartour geffin be Neill Stewart of Gartht to his brodir Alexander Stewart of the saidis landis with the saising thairoff and Robert Stewartis saising of the landis of killiebrochtquhane and James Stewartis saising of the landis of Killiebrochtquhane bonskeid and tuay borannychtis giffin be Neill Stewart of gartht with the preceptis of saisingis thairof and Johen Stewartis Chartour of the landis of boniskeid giffin to him be Johen Stewart of borannycht his Superiour with the instrument of saising thairof The dispensatioun betuix James of boniskeid and his spous Jonat Stewart Alexander Stewartis dispensatioun and his wiffis and ane auld reuersioun giffin be Johen fargussoun to Alexander Stewart, ane protestatioun maid be Patrik egilly in the curt of Atholl. The Sentence of diuorciment betuix James Stewart of boniskeid and faskyleis dochtir the Sentence of diuorciment betuix James Stewart and Dougall M'Robartis dochtir The gift of nonentres giffin be my Lord Gray of the landis of boniskeid and of the rest with the saidis Neilis acquittance of ane hundretht merkis resaut for the sammyn faskyleis acquittance of certane maris sauld to James Stewart with the inuentour of all the saidis Writtis off the quhilkis euidentis foirsaidis landis guddis and geir and securite quhatsumeuir that the said James Stewart ony wais intromettit with pertenying to the said Johen befor the day and date heirof the said Johen Stewart of boniskeid with consent and assent of the said Alexander Stewart of Cars his curatour hes exonerit quitclamyt and dischargit and be thir presentis exoneris quytlamis and dischargis the said James Stewart his airis executeris and assignais thairof simpliciter for nowe and euir And als the said Johen Stewart of boniskeid with consent and assent of the said Alexander Stewart of Cars his curatour hes exonerit quytlamit and dischargit and be thir presentis exoneris quytlamis and dischargis the saidis James Stewart in fancastell and Johen Stewart of Tullypours his soun thair airis executeris and assignais of all intromissioun that thai or ony ane of thame hes had with the said Johen Stewart of boniskeidis landis guddis or geir quhatsumeuir ony wais intromettit with be thame befor the day and date of thir presentis excepan onlie sex scoir of merkis mony restand awand be the said James to the said Johen Stewart of boniskeid quhilk sowm of sex scoir merkis mony the

said James faythtfullie bindis and obliesses him to pay to the said Johen at the terminis following viz. fourthy merkis at midsymmer nixtocum fourthy merkis at the assumptioun day of our Lady nixt thairefter following and fourthy merkis at andirmes nixt and Immediatlie thairefter following in haill and compleit payment of the said sown of sex scoir merkis with tuelf lib. mony at midsymmer nixtocum in compleit payment of the malis of all the landis that the said James occupeit or intronettit with pertenyng to the said Johen for the said midsymmer terme nixtocum and in lik manair the said Johen Stewart of Tullypowris obliesses him to pay to the said Johen Stewart of boniskeid xj merkis mony at midsymmer nixt to cum and xj merkis at andirmes nixtocum and that as haill and compleit payment for the saidis tuay terminis malis and dewiteis in anno Jm v^e threscoir sewintene zeiris for the landis that he occupeit and intronettit pertenyng to the said Johen Stewart of boniskeid. Super quibus omnibus et singulis dicte parte viz. Joannes Stewart de boniskeid et Alexander Stewart de Cars eius curatour ab vna et Jacobus Stewart in fancastell et Joannes Stewart de Tullypouris partibus ab altera a nobis notariis Subscriptis instrumenta pecierunt Acta erant hec apud ciuitatem Dunkeld in cubiculo mei Duncani McNair notarii subscripti horam circiter nonam ante meridiem sub anno die mense indictione et regis regno quibus Supra presentibus Ibidem pro tunc venerabili viro magistro Dauide Spens archidiacono Dunkeldensi discretisque domino Jacobo Sandersoun portionario de abir . . . Joanne M'Kyne in Ladywell Joanne Thomsoun et Domino Dauide Morisoun connotario testibus ad premissa vocatis et Requisitis.

Et ego Duncanus McNair clericus Dumblanensis Diocesis publicus sacra auctoritate apostolica admissus per dominos consilii secundum tenorem acti parlamenti quia premissis omnibus et singulis dum sic ut premittitur dicerentur agerentur et fierent vnacum prenomminatis testibus ac connotario antedicto presens personaliter Interfui eaque omnia et singula sic fieri et dici vidi sciui et audiui ac notam cepi ex qua hoc presens publicum instrumentum manu mea scriptum confeci signoque nomine cognomine et subscriptione meis solitis et consuetis signaui in fidem et testimonium premissorum rogatus et requisitus.

Ita est Daudid Morisone notarius et per Dominos consilii secundum tenorem acti parlamenti admissus ac connotarius ad premissa rogatus et requisitus manu sua etc.

DAUID MORISONE notarius publicus admissus manu sua.

(Dorso) The Discharge gewin be Johne Stewart of bonskeid to James Stewart in fancastell and Jhone Stewart his son etc. etc.

(Dorso) Discharge by John Stewart of Bonskeid to James Stewart in Fincastle and John Stewart of Tullipowries his son 1577.

This paper may be of use to Bonskeid in making out his Genealogy.

Bonskeid
Charters.

DISCHARGE by JOHN STEWART of Bonskeid to his "gudschir" JAMES STEWART in Fincastle.

Dated 9th December 1577.

I Jhone Steuart of bonskeid with expres consent and assent of ane honorabill man Alexander Stewart of Cars my gude-father and Curator grantis me content and in nomerrat money weill paid be the handis of my gudschir¹ James Stewart in fancastall my tutor testamentar exequutor to wmqhill James Stewart my father of bonskeid and Intronittor with my said fatheris geir and gudis of the sowme of threscoir threttene merkis vsuall mony of Scotland in hail and compleit pament of myne the said Jhone Stewart of bonskeid baronis² pairt of my said wmqhill fatheris gudis and geir and sicylke in full contentatioun satisfacioun and compleit pament of all maillis fermis gresumnis customis and vtheris dewites quhatsumeir of all and haill my landis and mylne Intro-mittit with set and disponit in tymis past be my said gudschir of all zeiris and terminis fra the deces of my said wmqhill father to the day and dat heirof and with consent of my gud-father and Curator foirsaid dischargis simpliciter for now and euir the said James

¹ Grandfather.

² For barnis or child's.

Stewart of faneastell his airis executeris assignais and all vtheris haiffand entres in his name thairof as is abone writing for me my airis executeris assignais and vtheris quhatsumeuer in my name and behalf In witnes of the quhilk we the said Jhone Stewart and Alexander Stewart hes subscriwit this our acquietauce with our handis At Dunkeld the nynt day of December the zeir of god ane Thousand five hundreth threscoir sewintene zeris Befoir thir witnes Jhone Ros of Mekill Laithe Jhone fergussonne in Clwnies and Jhone Kirk.

JHONE STEUART of boniskeid.

ALEX^R. STEUART off Cars.

David Morisone notarius Requisitus per dictos Joannem Stewart de bonskeid and Alexandrum Stewart de Cars manu sua in premissis.

(Dorso) Discharge Bonskeid To his tutor James Stewart for his Intromission with his Estate in his minority.

(Dorso) Discharge granted by John Stewart of Bonskeid To James Stewart in Fin-castle his Curator anent his Intromissions with his Estate in his minority. 1577.

CONTRACT OF MARRIAGE between ISABEL, daughter of the late James Stewart of Bonskeid, and ANGUS M'ANEWOIR. Dated 10th April 1580.

Bonskeid
Charters.

At ffaneastell the x day of Apryll the zeir of god ane Thousand fywe hundreth Lxxx zeris It is appointit concordit and finalie aggreit betuix the parteis vnder wryttin viz. James Stewart in ffancastell and Isobell Stewart Dochtir to vmquhill James Stewart of bonskeid his oy on the ane pairt And Angus M'Ane Woir M'Condoquhy in bonrannocht on the vther pairt as efter followis That is to say god willing the said Angus M'Ane Woir Sall compleit the band of matrimony in face of Haly kirk with the sad Isobell Stuart betuix the day and dait heiroyf and midsomer nixtocum ffor the quhilkis caus the sad James Stewart in ffancastell sall satisfie content and pay to the said Angus and Isobell his future spous the sowme of fourtie merkis gud and vsuall money of this Realme in penny and penny wourth thairof xx merkis at mydsomer nixtocum as sad is and the vther tuentie merkis in compleit payment of the sad fourtie merkis at andirmes nixt thaireftir in anno Lxxx zeris And this in haill and compleit payment of all and sindrie the sad Isobellis barnis pairt of guddis and geir pertenyng bayth to hir fader and mother ressaui be the said James in ony maner of way afore the date of this present And als the said Angus and Isobell Sall ressaue fra thais persones that presentlie hes the haill guddis and geir ressaui fra vmquhill James Stewart of killebroquhen in the said Isobellis nayme and behalf sa mony guddis as is presentlie leiffand And als the sad Angus bindis and oblisys hym be thir presentis be the faytht and trewtht in his body to seperat and devyde all his barnis pairtis of geir begottin with his first wyff now instantlie Swa the sad Isobell Sall haif na intromissione nor entres thairwith And the said James Stewart in ffaneastell oblisys him to concour and assist to inbring all the guddis and geir pertenyng to the said Isobell in all handis quhatsumewir detenis and hes the samin with the assistanee of the sad Angus and Isobell And failzeing that the said Angus compleittis and fulfillis nocht the band of matrimony at the day abone wrytin the sad Angus bindis and oblissis him be thir presentis to satisfie content and pay to the sadis James and Isobell the sowme of tua hundreth merkis money with als mekle geir as he ressaui of the said Isobellis in nayme of toquhir and this as propir dett In witnes of the quhilk the saidis persones contractoris hes subscriuit thir presentis with thair handis led on the pen be the noter vnderwrytin Because we could nocht wryt nor subscriywe ourselfis befor thir witnes Jhone fergussonne in Clwney Alex^r Stewart sone to James Stewart in ffancastell Jhone fergussonne zoungar in Clwney and Donald M'Angus Doy brother sone to the said Angus.

JAMES STEWART in ffaneastell with my hand led on the pen be the noter vnder wryting, etc.

ANGUS M'ANE WOIR M'CONDOQUHY with my hand led on the pen be the noter under wrytin etc.

Ita est Walterus Robertsone notarius publicus admissus et scriba in premissis de mandato dictorum Jacobi Stewart et Angusii M'ane Woir M'Condoquhy manu Sua etc.

(Dorso) Isobell Stewart Dochtir to James Stewart of bonskeid hir kontrak and acquittance of hir barnis pairt of geir.

(Dorso) Contract of marriage twixt Angus M'anvoir M'andoquhy in Boranoch, and Isobell Stewart Daughter to James Stewart of Bonskeid and Grand Child to James Stewart of Fancastle. 1580.

Bonskeid
Charters.

DISCHARGE OF DOWRY by ISABEL STEWART. Dated 21st April 1580.

I Isobell Stewart dochter to vinquhill James Stewart of bonskeid with consent and assent of Angus M'Ane woir M'Condoquhy my future spous grantis me to haue ressaut fra the handis of ane honorabill man James Stewart In ffancastell my gudscheir the sowme of fourtie merkis money in compleit payment of my barnis pairt of guddis and geir pertenying to me be deceis of my fadir and moder Intromettit be the said James And be thir presentis I the said Isobell Stewart with consent of my future spous foirsaid dischargis James Stewart In fancastell his airis executeris and assignais of all and sindry sowmes of Syluer guddis and geir pertenying to me be deceis of my foirsaidis parentis Intromettit be the said James as said is be rasone of the compleit payment thair of to me in maner foirsaid And siclyk dischargis the said James and his foirsaidis of all vtheris sowmes of money guddis and geir afore the dat of thir presentis for now and ewir In witnes hei of I haue causit the noter vnder written Subscriu acquittance and discharge As also my future spous becaus we could nocht write selfis our handis being led at the pen be the notar In token of our consent Before thir witnes Johne ffergussoun in Clwne Johne ffergussone zoungar his sone Alexander Stewart sone to the sad James Stewart in ffancastell Donald M'anenesdoy W^m M'anedoy M'emes and Donald Gow with vtheris diuers At fancastell xxj of Apryll zeir of god J^m v^c fourescoir zeris.

ISOBELL STEWART.

ANGUS M'ANE WOIR with our handis led on the pen be Schir Walter Robertsoun notar.

Ita est Walterus Robertsone notarius publicus admissus de mandato dicte Isobelle Stewart et Angusii M'ane Woir M'Condoquhy manu Sua scripta.

(Dorso) Discharge of Tocher by Isobel Stewart Daughter to James Stewart of Bon-skied and grand daughter to James Stewart of Fincastle. Tocher 40 merks. 1580.

Edinburgh
Testaments,
Vol. xxiv.,
Jan. 26,
1592.

NOTE OF TESTAMENT of LADY BARBARA STEWART. Confirmed 26th January 1592.

Testament and Inventory of the goods belonging to the Honourable Lady Barbara Stewart, relict of the deceased James Menzies of that ilk, who died on the 21st day of August 1587, partly given in by herself, and partly by the Right Honourable Alexander Menzies, Laird of Weyme, Gnaip, her servitor. The Inventory amounts to £2411, 13s. 8d.

Among her debtors are John Campbell of Lawaris; Jeane Anderson, relict of the deceased John Menzies; John Stewart in Fos; Archibald Campbell, laird of Glenurghy; Alexander Stewart of Kars; John Earl of Atholl; and Elspeth Stewart, spouse to George Leslie of Ruthquhill and John Menzies in Morinch. The amount owing to her is £4953, 17s. 2d. Alexander Stewart of Kars is also a creditor.

In her will she mentions Janet Menzies as her eldest daughter, and refers to other daughters without naming them.

LETTERS OF CHARGE against JOHN STEWART of Bonskeid, reciting several important Deeds in detail.
Dated 24th March 1604.

Bonskeid
Charters.

James be the grace off god king of Scotland england france and Ireland defender of the fayth Ronald Persoun messenger

Too Louittis oure Shireffis in that pairt coniunctlie and seueralie specialie constitut greting. Oure will is and we charg zow that ze peremptourlie summond warine and charge Johne Steuart now of bonskid sone and air at the leist appeirand air to vmquhill James Stewart his fathér procreat betuix him and vmquhill Joent Stewart his mother pretendit heretabell proprietare of the Landis efter specifeit be verten off the particular infeftmentis maid to him and his prediessores of the samyn landis respective as is efter deuydit and in quhais fauouris the pretendit infeftment vnder writtin of the Landis efter-specifeit is made and grantit in maner following personalie or at his duelling-place and all vtheris haifand or pretendand to haue entres in the maiter and actioun of reductionn eftermentinet be oppin proclamationn at the markit croce of oure burgh of Perth and vther places neidfull comper befor ws and our counsall at Edinburgh or quhair it Sall happin ws to be for the tyme the aughtein day of Maii nyxtocum gif it be lauchfull, and failzeing thair of the nixt lauchfull day thairefter following in the hour of caus with continewtioun of dayis to ansuer at the instance of our rycht trest cousing Patrek maister of Gray heretabell feare and proprietare of the landis and barronie of Langforgund with the pertinentis lyand within our Shirefdome of Perth to the quhilkis landis and baroney the Landis of killiebrochane, bonskeid, and minerannich with thair pairtis pendicles and pertinentis ar incorporat vnitt and annexat of auld be our nobell prediessoris of gud memorie and thairbei hefeand suffeient entres to crave the pretendit infeftmentis and vtheris efter specifeit to be reduceit and to remoue all quahatsomever impedimentis quhilkis may stay the said Patrek maister off gray and his airis in the pecabill bruiking and Joysing of the said baronee of Langforgund with the haill landis vnit and incorporat thairto and specialie the particular landis vnderwrittin that is to say the said Johne Stewart off bonskid to bring with him exhibete and produce befor ws and the saidis Lordis off our counsall the saidis day and plece in the hour off caus with continewatioun off dayis the particulaire infeftmentis wreittis and evidenttis maid to his prediessouris as followis viz. Ane pretendit precept decret be vmquhyll Johne Stewart off forthergill for geving off Saising to vmquhyll Alexander Stewart his sone predecessour to the said Johne Stewart nou off bonskeid of all and heill the Landis of killiebrochane with the pertinentis lyand within the ereldome of Atholl and our Shirefdome of Perth reservand the said Johneis Lyeferrent of the sameyn landis with the pertinentis of the dait at Garth the Laist day off December the zeir off god J^m iiij^e thrie scoir fourtene zeiris conforme to the said vmquhyll James Charter maid thairanent off the samen dait ane pretendit charter also maid and grantit be vmquhilk Neill Stewart of forthergilt To vmquhill Alexander Stewart his brother of all and heill the foirsaidis landis off killiebrochane to be haldin of himself In frie blensche of the dait at Pearth the xxvij off Junii the zeir of god J^m four hundreth thrie scoir aughteine zeiris togider with the pretendit precept of saising following thairvpoun of the sameyn dait ane pretendit Charter alledgit maid and grantit be the said vmquhilk Johene Stewart of forthergell with consent of vmquhill Nele Stewart hes eldest sone to vmquhilk Allexander Stewart sone to the said vmquhill Johnen Stewart of the foirsaidis landis of killiebrochane with the pertinentis haldin of the said vmquhill Johne in frie blensche of the dait at Garth the last day of Disember the zeir of god J^m four hundreth thriescoir fourtene zeiris Ane pretendit instrument of saising alledgit gevin be the said vmquhill Niell Stewart as Superiour of the Landis of kelliébrouckin abowewreittin with the pertinentis propriis manibus to vmquhill Robert Stewart sone and air to vmquhill Alexander Stewart of kelliébrouchane of the sameyn Landis with the pertainentis of the dait vnder the Signe and Subscription manuall of vmquhill Schir Henre Walkar noter the nyntene day of Maii the zeir off god J^m v^e and ane zeiris Ane precept of clare constat alledgit maid and grantit

be the said vmquhill Neill Stewart off forthergell for gefing of saising to vmquhill James Stewart as sone and air to the said vmquhill Robert Stewart of the forsaidis landis of keiliebrouchane bonskeid and tua baranochis with thair pertinentis lyand within the baronie of Langforgund and our Shireffdome off perth foirsaidis of the dait the Savint day of July the zeir off god J^m v^c fourtie-sex zeirs nocht Subscriuit be the said vmquhill Neill bot this forme Neill Stewart off forthergell with my hand at the pen with the pretendit instrument of Saising alledgit gevin to the said vmquhill James Stewart conforme to the said charter of all and Sindrie the forsaidis Landis with the pertinentis and vpoun the ground thairof under the Signe and Subscriptioun manuall of vmquhill Schir David myller noter of the dait the aucht day of the moneth of Juley the said zeir of god J^m v^c fourtie-sex zeiris Ane pretendit Chartour alledgit maid and granted be vmquhill Johen Stewart of baronniche and alledgit Superiour of the foirsaidis Landis above and vnder wreittin to the said Johnne Stewart now of bonsked as lauchfull sone to the said vmquhill James Stewart of bonskeid procreat betuix him and the said Janeit Stewart his spous of the Landis of bonskeid kelliebroauchane and . . . [sic] with thair pertinentis lyand within the baronie and Sheriffdome forsaidis be resignatioun maid thairof be the said vmquhill James Stewart Reservand his awin Lyfrent and haldin of the said vmquhill Johnne Stewart in frie blensche of the dait at fincastell the tualfe day off Juney the zeir of god J^m fyve hundreth thrie scoir thrie zeiris with the pretendit instrument off saising following thairvpoun vnder the Signe and Subscriptioun manell of vmquhill Schir Duncane M'Mair noter of the dait of the said charter togeder with the particular saisingis allegit gevin to the foirnमित particular personis be vertew of the present infefementis respective abonewrettin off quhatsumever dait or daittis the samyn be togider also with quhatsumever vther pretendit infefementis chartouris preceptis instrementsis of saising allegit maid and grantit be the foirnameit personis or ather of tham of the foirsaidis landis or ony pairt or portioun of the sameyn ather in propertie or tennandrie be resignatioun or confirmatioun or be quhatsumever maner of way or ordour the sameyn hes proceidit ather proceiding Immediatlie fra our predicessouris or fra the saidis authores makeris thairoff Togeder with the pretendit retouris gif ony be quhairby thai or ony of thame ar retourit or seruit as airis To thair predicessouris in the saidis Landis to be haldin ather of our predicessouris and thair Successouris or vtherways off the makeris and autheres of the saidis Infefementis At ony tyme sen the moneth of November the zeir off god J^m four hundreth fyftie-tua zeiris quhilk was the daite of the infefetment eftermentionat grantit to vmquhill Andro Lord Gray predicessour to the said Patrek maister of Gray To be sene and consederit be the saidis Lordis off our consell And to heir sie all the saidis pretendit infefementis chartouris preceptis and Instrumentis of Saising with the pretendit confarnatiouns thairof gif ony be reduceit retrecttit rescindit cassit annullit decernitt and declairit to haif bene fra the beginning and to be now and in all tyme cuming null and of nane avail force nor effect with all that hes followit or may follow thairvpoun and being reducit To heir and sie It be foundyn and declarit be the saidis Lordis decreit that the onduttit rycht of the heritabill propertie of the forsaidis landis off Kelliebrouchane and bonskeid and . . . [sic] with thair pertenantis pendicles and pertinentis thairof perteinett and pertienes to our said traist cosing Patrek mester of gray and his airis as baronis of the said baronie of Langforgund to the quhilk the saidis landis with thair pertinentis ar vnit annexat and incorporat as said is for the reasone and caws following To wit Becaus lang befor the saidis pretendit infefementis or ather of thame ather maid be the dispositioun or alienatioun of the said vmquhill Johene Stewart of forthergell to the said vmquhill Alexander Stewart his sone or be the said vmquhill Neill Stewart to the said vmquhill Alexander Stewart hes brother or be the said vmquhill Johen Stewart with the consent of the said vmquhill Niell Stewart hes sone to the said vmquhill Alexander Stewart or be the said vmquhill Johnne Stewart off baranniche to the said Johnne Stewart now of bonskeid of the landis respective abonespecifeit or be ws originallie to thame or on ony of thame be vmquhill our derest foirgrandschir of gud memorie king James the secound vopoun the

secound day of November the said zeir of god J^m four hundreth fyftie-tua zeiris gaif granttit and disponitt to vnuquhill Andro Lord Gray and Elizebeth his sponis the laigest leveer off tham twai and to airis lauchfulie to be gottin of thair bodeis quhilkis failzeing to the said vnuquhill Andro Lord gray and his airis quhatsumever all and heill the foirsaidis Landis off kelleibrouchane bonskeid and [sic] with thair pairtis pendicellis and pertinentis thairof lyand within our said Sheriffdome off perth and the erldome of Atholl foirsaidis And in the sameyn infefmentis and dispositioun vnit Incorporat and annexat the sameyn landis with thair pertenenis to the said baronie off Langforgund quhilk contenwallie sensyne hes ben possesit be the houis of gray as thair awin proper heritage eftre the quhilkis auld and origenall infefement sua granttit be our maist nobill progenituris to the said vnuquhill Andro Lord Gray and heis airis quhairbei the heretabell propertie of the saidis Landis wes establischit in thair persoun oure predecessouris culd naways haif granttit ony effectuell dispositioun of the saidis landis in preiudice of the said vnuquhill Andro Lord Gray his airis and successouris of the said baronie to the said vnuquhill Johne Stewart of forthergell or ony of his predecessouris ffairles culd ony of the said vnuquhill Johnes predecessouris maik ony affectuall dispoceitioun thairof to him nor yett might the said vnuquhill Johne Stewart himself haif maid ony lauchfull dispositioun in fauouris of the foirnamit personis hes Successouris or ony of thame ffar leis culd the said Johne Stewart now of bonskeid haue gottin ony affectuall dispositioun of the samen or ony pairt thairof maid be the foirnamit personis hes predicessouris or ony of thame or be ws or our predicessouris originallie thairof The propertie of all and Sundrie the samyn landis with the pertinentis pertening to our said rycht traist cosing Patrek maister of Gray and his predicessouris of befoir and rycht of the said propertie thairof establisheit in thair persoun And thairfor all and Sindrie the foirsaid pretendit infefmentis chartouris preceptis and instrumentis of sasing following thairvpone retouris and seruices and confarmatioun gif ony be and all vtheris interponit thairto maid and granttit to the said Johne Stewart now of bonskeid or hes predisessouris or ather off thame of the foirnamit Landis of kelleibrouchane bonskeid and with thair pertinentis pendicellis and pertinentis thairof or ony pairt of the samyn aught and suld be reducit retrectit rescindit caussit annellit decernit and declairit to haif bene fra the beinging [sic] and to be now and all tyme coming null and off na aveill force nor effect with all that hes followit or may folow thairvpone and the vnduittit rycht of the heretabell propertie of the sameyn Landis of kelleibrouchane bonskeid and with thair pairtis pendicellis and pertenenis thairof Aucht and Suld be cernat be decreit foirsaid to haue pertennit and to iustlie perteine to our said traste cosing Patrek Maister of Gray and his airis as baronis of the barone of Langforgund to the quhilkis baronie the saidis particular landis ar vnit annexat and Incorporat as said is ffor the ressonne and causs abonespecifeit and vtheris to be proponit and allegit be our saidis traist cosing and vthers in his name and vpone his behalf the saidis day and place in the hour of caus with continewatioun of dayis according to Justice and for the costis and skaithes to be sustenit be the said persewer thairthrow and farder to ansuer at his instance in the said matter In sa far as Law will maik and Intimatioun to the saidis defenderis as efferis Attour that ze lauchfullie summond warne and charge To compeir befoir ws and oure consell the saidis day and place in the hour of caus with continewatioun of dayis To beir leill and Suithfaist wittnessing In sa far as thai knawe or sall be sperit at thame in the said matter vnder all heiest pane and charge that efter may follow As ze will ansuer to ws thairvpoun the quhilkis to do we commett to zow coniunctlie and Saverallie our full power be their our Letrez deuly warning thame be zow dewlie excecuted and indorect agane to the berer gefin vnder our signet at Edinburgh the xxiiij day of March and of our ring of Scotland the xxxvij and of ingland france and Ireland the fairst zeir 1604.

(Dorso) Copie off my Lord Gray his Summondis of reducioun contra the Barroun of bonskeid.

Bonskeid
Charters.

ROYAL LETTERS against JOHN STEWART of Bonskeid, MARY COUNTESS of ATHOLE, etc.
Dated 7th February 1604.

James be the grace of god King off Scotland england France and Ireland defender off the faith To our Louittis Naniane Weir messenger Ronald persoun messenger messengeris our schireffis in that pairt coniunctlie and saverallie speciallie constitut greting fforsamekill as it is humlie menit and schawin to ws be our traist coising Patrek Lord Gray Lyfrenter of the Landis and barronie vnderwrettin and patrek master of gray heretabell fear and proprietar thairoff that quhair thai haif laitlee vpon the second day off februar instant obtenit ane decret befor the Lordis off counsall Aganes Johene Stewert in bonskeid Dame Marie Ruthven Countes of Athol and relict of vmquhill Johene Erle of Atholl pretendit tenentis and occupyeris of all and sindrie the saidis complaneris tounis and landis off bonskeid killiebrochok montranich and dysert quhilkis ar proper pairtis pendeclis and petinentis off thair landis and barronie off forgund and all and sindrie thair pairtis and pendeclis Lyand within oure schirrefdome of Perth decerning and ordaning thame to flet and remove thame selfis thair vyffis baranis servandis famellie subtennentis cottaris guidis and geir furth and fra the landis forsaidis with thair pertinentis ilk ane of thame for thair awin pairtis sa far as thai occupy thairof and to deceist and ceis thairfra and leve the samyn voyd and red to the saidis compleneris to the effect thai may enter thairto bruik and Joyse the samyn set vse and dispoine thairvpon as thair heretage in tyn coming conforme to thair infestmentis thairof wairning maid be thaim for that effect befor the feist and terme of Witsonday the zeir off god ane Thowsand fyve hundreht fourscoir fyvtene zeiris And one act off parliament maid anent warning of tenentis for devers ressonabell causes specifeit in the saidis Lordis decret abonewrettin as in the samyn at mair lenth contenit quihilk the saidis defenderis will onnawayis obey without thai be forder compellit Oure will heirfoir and we charge zow stratlie and commandis that incontinent thir our letrez sene ze pas and in our name and autorite command and charge the saidis personis defenderis to flet and remove thame selfis thair vyffis barnis servandis famellie subtennentis cotteris guidis and geir furth and fra the landis abonewrettin with the pertinentis ilk ane off thame for thair awin pertis sa far as thai occupy thairof and to decist and ceis thairfra and leve the samen void and red To the effect the saidis compleineris may enter thairto bruik and Joyes the samen set vse and dispoine thairvpon as thair heritage in tyme coming conforme to thair saidis infestmentis waring and our act of parliament fairsaidis and the saidis Lordis decret of removing following thairvpoun in all poyntis within thrie dayis nixt efter thai be chargeit be zow thairto vnder all heist pene and charge that may follow the quhilkis thrie dayis being bypast and the saidis personis or ony off thame dissobeyand that charge the dissobeyeris zeit as off befor to flet and remove thame selfis thair vyffis barans servandis famellie subtennentis cotteres guidis and geir furth and fra the landis abone wrettin with the pertinentis ilk ane of thame ffor thair awin pertis sa far as thai occupy thairof and to deceist and ceis thairfra and leve the sameyn void and red to the effect the saidis compleineris may enter thairto bruik and Joyse the same set vse and dispoine thairvpoun as thair heritag in tyn coming conforme to thair saidis infestmentis waring and our act of parliament fairsaidis and the saidis Lordis decret of removing folowing thairvpone in all poyntis within vther thrie dayis nixt efter thei be chargeit be zow thairto vnder the paine of waring of their personis the quhilkis vther thrie dayis being bypast and the saidis personis dissobyand that ze charge thame zeit as off befor to flet and remove thame selfeis thair vyff barns servandis famellie subtennentis cotteris guidis and geir furth and fra the landis abonewrettin with the pertinentis ilk ane of thame for thair awin partis sa far as thai occupy thairof and to decest and ceis thairfra and leve the samen void and red to the effect the saidis compleineris may enter thairto bruik and Joyse the samen set vse and dispoine thairvpone as thair heritag in tyme coming conforme to thair saidis infestmentis waring and our act off parliament fairsaidis and the saidis lordis decret of removing following thairvpoun in all poyntis within vther thrie

dayis nixt efter thai be chargit be zow thairto or ellis that thai within the samyn thrie dayis pas and enter thair personis in ward within our castell of Dumbarten thairin to remane vpoun thair awin expensses ay and quhil thai haue obeyit the command of our letrez and be orderlie fred be ws thairfra vnder the pane off rebelloun and puting of tham to our horne And that thai cum to our sacretar or his deputtis keperis of our signat and resaue our vther letrez for thair ressait and ward within our said castell The quhilkis last thrie dayis being bypast and the forsaidis personis dissobyand that ze charge the dissobyeris zeit as off befor To fleit and remove thame selfeis thair wyffis barnis servandis famelie subtenentis cotteris guidis and geir furth and fra the landis abone-wreit with the pertinentis ilk ane of thame for thair ewin pertis sa far as thai occupy thairof and to deceist and ceis thairfra and leve the samyn void and red to the effect the saidis compleneris may enter theiirto bruik and Jose the samyn set vse and dispone thairvpone as thair heritag in tyme coming conforme to thair saidis infestmentis waring and our act of parliament and the saidis lordis decreit of remowing following thairvpoun in all poyntis within other thrie dayis nixt efter thai be chargeit be zow or els that thay within the samyn thrie dayis pas and enter thair saidis personis in ward within our said castell off Dumbarten thairin to remane vpoun thair awin expensses ay and quhil thai haue obeyit the command of thir our letrez and be orderlie fred be ws thairfra vnder the said pane off rebelloun and puitting of them to our said horne and that thai com to our said sacretar or hes deputtis keperis of our said signet and resaue our saidis other letrez for thair ressait and ward within our said castell the quhilkis last thrie dayis off all being bypast and the saidis personis or ony of thame dissobyand and nocht folowing the command off thir our letrez nor zet enterand thair saidis persones in Ward within our said castell as said is that ye incontinent thairefter denonce the dissobeyaris our rebebellis and put tham to our horne and escheit and inbring all thair movabill guidis to oure vse for thair contemptioun And immediatlie efter zowr said denonceation that ze vse the remanent ordour preseryvit be our act off parliament and ordanence maid thairanent According to Justice As ze will ansuer to vs thairvpoun the quhilk to do we commeitt to zow coniunctlie and saverallie oure full power be thir our Letrez delywering tham be zow dewlie execut and indorsat agane to the berer gefin vnder our Signett at Edinburgh the sevint day off februar and off oure Reigne off Scotland the xxvii and off England france and Ireland the ferst zer. 1604.

(Dorso) Coppye Johne Stewart of boniskeid.

BACK-BOND between JAMES EARL of ATHOLE and JOHN STEWART of Bonskeid. Dated 12th October 1604.

Bonskeid
Charters.

Be it kend till all men be thir present Letres ws James erle of Atholl lord balwanie etc. fforsamekill as our Lowit Cousing Johne Stewart of bounskyd hes subscrywit ane band and obligatioun maid be ws as principall And our cautioneris therin nominat to our trest cousing Androw lord ochiltrie for payment off the principall sowme of Twentie-ane thousand merkis mone Scottis And sowmes of penalteis and expensses therin contenit as in the said band and obligatioun off the dait at the day of the zeir of god ane thousand sext hundrethe and four zeiris beiris Therfor ws the said James erle of Atholl etc. as principall and with ws Schir Robert Crechtoun of Cluney knight as cautionar sowertie and full dettor for me To be bund and obleist coniunctlie and seueralie And be the tennour heirof bindis and obleist ws our airis executeris and assignais and Intromettouris with our guidis geir landis renttis or ony pairt thairof To warrand releiff keip harmeles and skaithles the said Jhonne Stewart of bounskyd his airis executeris and assignais and all wtheris quhome it affeiris off the saidis sowmes principallis penalteis and expensses contenit in the said band and obligatioun haill tennor force and effect and contenttis of the samin and of all that may follow thairvpoun At the handis of the said Androw lord ochiltrie his airis executeris and assignais and all wtheris

haifand entres And forder to refound and pay to the said Jhonn Stewart of bounskyd his airis Executeris or assignais the pactionat and liquidat sowme off ane hundrethe poundis mone foirsaid as for expensses In cais off necessar registratioun off thir presenttis throw non fulfilling of the premisses or ony pairt thair of And I the said James erle of Atholl bindis and obleis me and my foirsaidis To warrand releiff keip harmeles and skaithles the said Schir Robert Crechtoun of cluney knicht and his foirsaidis off the hail contenttis of thir presenttis and all that may follow heirwpoun And for the mair securitie we the saidis obliganttis principallis and cautionaris ar content and consenttis that thir our letres obligatouris be registrat and insert in the buikis of our souerane Lordis counsall and Sessioun Shireff buikis of Perth or Commissaris buikis of Dunkeld respective ther to haue the strenthe of ane decreit Judiciall of the saidis Jugis with executoriallis of arrestment pounding horning and vairding to follow thairwpoun In simpill forme off sext dayis charge allanerlie And for registering heirof as saidis constitutis Oure procuratouris coniunctlie and seuerallie To Compeir and in our name consent to the registratioun heirof to quhome we commit our full power to that effect etc. and generallie etc. ferme and stabill etc. In witnessing of the quhilk thing thir presenttis writtin be Thomas Sandesoun wrettar in Dunkeld we haue subscriuit with our handis at the day of the zeir of god thousand sext hundrethe and four zeiris Befoir thir witnesses.

ATHOLL.

SCHIR R. CLUNY.

(Dorso) Subscriwed the xij day of october.

Back-Bond, James Earl of Athol to John Stewart of Bonskeid. 1604.

Bonskeid
Charters.

LETTERS OF LAWBURROWS against JOHN STEWART of Bonskeid, his sons and others. Dated 9th July 1605.

James Be the grace of God King of Great Bretane France and Irland Defender of the faith to our Lowittis Jhone Ambros Messinger our Schireffis in that pert coniunctlie and seuerale speecalle constitut Greting for samekill as it is hummele menit and schawin to ws Be or Lowit Alester Rotoun in Callwoin that quhair Jhone Stewart of Banskeit Jhone Stewart of Graniche Alex^r and Jhone Stewartis sonis to the said Jhone Stewart of Banskeit, Mr Walter Stewart Skoillmaister in Dunkeld William Stewart in Twillich Alexander and Jhone Stewarts his sonis with thair compleicis hawing consawit ane deidlie hetreint Inwy and malice aganis the said complener forwt ony jwst caws or occasioun down Be him or wpoun his peirt daly and contenowale trowbillis and molestis and opressis him his tenentis and speceabille Browking Josing possessing of his Landis of Callwoin with parttis and pendikillis thair of and In sindrie wtheris his Landis Rowmis Stedings aittis and distroyis his cornis and gres pastouris thair cateillis and gwidis thairwpoun castis winis fewall feill and doffwatis within the proper Bindis merses and meithis thair of Boistis schoiris monassis and Inuadis the seid complener his Bairnis and tenentis seruandis wnbeseittis the he wayis and passage lysis at wait for thair Bodely herm and slawchter and hes at deuers tymes heirto persew them in thair Leffis Lyk as thay thair-intill contenowis Imperceiwering in thair malice aganis the seid complener daly Layis in wait and schowittis the samyne sa that thairthrow he dar nocht hant frequent nor repair in the cuntrey for doing of his lessume afferis and Bessenis as our fre leige with owtt perrell of his Lyff quhairthrow thay will nocht feill to Bereiff him of his Lyff In cace thai can apprehend him in thair danger In he and manefast contemptioun to ws our awctoritie and Lawis Gewing iwill exempell to vtheris our Leges to comitt the Lyk prout wrangis tortus and opressionis saletill to regard liche we wpoun the samyn giwe remeid Be nocht prowydit our Will is heirfor and we charge zow that pass in our name and auctoritie tak the complener aith his aith Being taine and ressawit that ze in our name and awctoritie command and charg them personale give thay can Be-apprehendet and faulzing thair of at thair dewlling-plaice and Be oppin proclamatioun at the heid Browch of our Schyr Quhair thai dewll to find sufficiant cautious sowertie and Lawborus

actit In our Boukis of Consall and Sessioun that the seid complener his Bairnis men tenentis salbe hermles and skaithles In thair Bodeis landis heretagis tackis stedingis rownis possessionis cornis catell gwidis geir and Innawayis to Be trowblit nor moleistit nor Inpedit thairin Be ony of the seidis personis nor na wtheris of thair cawsing sending hunding owtt resseit assistance nor rethabetioun Quhom thay may stoip nor lat directly nor inderectly Be ony maner of way fra the day of the chaigr to Be givien to them for finding of the said catioun nor in tym cuning other wayis nor Be ordour of Law and Jwstice wnder the panis following That is to say Jhone Stewart of Banskeit Jhone Stewart of Graniche ilk ane of thame wnder the pain of ane thowsand mairkis ilk ane of the remanent personis wnder the pain of fowr hundrith mairkis within sax dayis next efter thai Be charg Be zow thairto wnder the pain of rebellioun and putting of them to our horne and giue thay feillze thairin the seid sax dayis Being By past that ze in our name and auctoritie denounce the dissobeyaris and powt them to our horne and Escheit and Inbring all thair mowabillis till our ws for thair contemptioun and Imedeatle efter thair seid denownciatioun that ze vs the heill ourdor preseryuit in our act of parliament according to Justice as ze will ansuer to ws thairwpoun The quhilk to do etc. Be thir our Letrez dewly execut and Indorsat and to the Berer Gewin wnder our Signet at Edinburgh the nynt day of Julii and of our reing the thrid and Threttie viij zeris.

Ex deleberatione domenorū consilii Jhone Ambros messinger with my hand.

(Dorso) Apud Edinburgh xvij Julii 1605. The Quhilk day souertie and lawborrows is fund be Jhone Stewart of Bonskeid Alex^r and Jhone Stewartis his sones That Alester Robertstone in Callwoin his wyff barnes men tennentis and servandis salbe harmeles and skaythles etc. In maner and vnder the panes within continit this I testifie to be of veritie be thir presentis subscriyvit with my hand.

A. COUPER.

(Dorso) Bonskeid.

LETTERS OF CHARGE at instance of PATRICK MASTER of GRAY to ALEXANDER STEWART of Bonskeid against certain persons for the "barbarous and detestable murder" of the late John Stewart of Bonskeid. Dated 8th May 1606. Bonskeid Charters.

James Be the grace of god King of great Brytane France and Ireland Defendar of the faith To our Louittis Messingeris or Shireffis in that pairt coniunctlie and seuerallie speciallie constitut greting fforsamekle as it is humlie meanit and schawine to ws be our Louittis Patrik maister of gray as maister and Landislord to vmquhile Jhone Stewart of bonskeid and Alexander Stewart now of bonskeid as sone with the remanent kin and freindis of the said vmquhile Jhone, and of vmquhile Jhone Stewart his sone and Duncane M'Candobeg seruand to the said Patrik Maister of Gray That quhair vpoun the day of Januar Last bipast Jhone Dow Stewart M'Gillechallum Allaster M'Gillechallum his brother with a nowmer of thair complices thevis brokin men and sornaris of clanes wer ordourlie denuncit our rebellis and fugitiues in default of finding of souertie for thair comperance befoir our Justice and his deputtis To haue wnderlyne our Lawis for the barbarous and detestable murthour of the said vmquhile Jhone Stewart of bonskeid As our saidis vtheris Letrez of horning execute Indorsate and registrat beiris Quhairvpoun publict edictis and proclamationis wer sett oute and publeist aganis our saidis rebellis and fugitives prohibiting and dischairgeing the resett supplie and furnesing of thame with meit drink hous or harboris vnder the panes contenit in our actis of parliament As the said proclamatioun dewlie and ordourlie publeist as said is at lenth beiris notwithstanding quhairof it is of treuth That our saidis rebellis continuallie efter the committing of the said murthour hantit frequentit and remanit publictlie and avowedlie as thay do zit within the Cuntrey of Athoill haveing thair maist ordinar and commoun resett supplie and intertenement vpoun the ground

and within the Landis and housses and possessionis pertening to Neill Stewart M'Gilliechallum in Scheirglas Johne Stewart of Poldorne Alexander Robertstone in Calmein, Malcome M'cane M'waim M'intosche androw M'waim M'narithie in fastharie allaster M'narithie in Auchnagoull Donnald roy M'cans thair Robert M'condochy thair in Scheirglas Donnald M'eane M'mertine M'canedowny in Moalich Donnald [sic] at Poldorne Johne roy M'cans in Auchwarrik Johne M'conneill M'Gillichallum in auchwerk [sic] M'Gillechrist in Auchwerk Donnald M'intagartvie in Scheirglas [sic]

Be quhome the saidis rebellis ar furneist in meit drink armour and all vther thingis necessar and comfortable vnto thame, as namelie in the moneth of [sic] last-bipast the saidis rebellis remanit the space of ellevin dayis and nychtis togidder within the saidis boundis of Athoill resett huiridit furneist and intertenyed be the personis particularlie abonewrittin, during the quhilk space Thay lay at awaitt to haue slane and mureist the said Alexander Stewart and his brether, and in end haveing thair purpois as thay thocht reddy for the executioun, and comeing quhair the said Alexander and his said brether wes for the tyme resolved to haue prosecuted thair detestable and barbarous resolutioun Thay maist cruellie and feirsleie set vpoun him Invadit and persewit him and his said brether of thair Lyves, and cruellie and vnmercifullie slew the said vmquhile Johne brother to the said Alexander and the said Duncane M'eandebeg his seruand and had not faillit to haue slane him selff wer not be the providence of God he verie narrowlie eschaped and efter the committing of this last murthour Thay reterit thame selffis bak agane to the pairtis thay come fra quhair thay haue remanit continually sensyne as thay do zit resett supplued furneist and intertenyed among the personis particularlie abonewrittin vpoun thair ground and in thair housses Quhairthrow thay ar fosterit and encouraged to continew in thair rebellious and disobedience, and hes the commoditie thairby To awaitt opportunitieis and commoditie to perpetrat and committ quhatsumeir barbarous and detestable murthouris and cruelties thay pleis, Quhairby as the personis particularlie abonewrittin resettaris of the said rebellis hes maist heichlie contempned ws and violat our lawis actis and proclamationis wherby the resett of thir murtheraris wes prohibite and forbiddin, and thairwithall hes gevin ane very euill example to vtheris vpoun houpe of ouirsicht and Impunitie to schaw the Lyk confort and releif to fugitiues and rebellis Sua thay aucht to be persewit and puneist in thair personis and goodis with all rigour and extremitie To the terrour of vtheris Oure Will is heirfoir and we chairge zow straitlie and commandis that incontinent thir our Letrez sene ze pas and in our name and auctoritie command and chairge the personis particularlie abonewrittin To compeir personallie befor the Lordis of our Secrete counsall at Edinburgh or quhair it salhappin thame to be for the tyme vpoun the day of being Thurisday To ansuer to this complaint and to heir and sie sic ordour tane thairanent as appertenis with certificatioun to thame and thay failzie The saidis Lordis of our Secrete counsall will proceed tak tryall and minister Justice thairin as accordis As alsua That ze command and chairge To compeir personallie befor the saidis Lordis the said day and place To beir leill and suithfast witnessing in sa fer as thay knaw or salbe sperit at thame in the said matter vnder the pane of rebellious and putting of thame to our horne with certificatioun to thame and thay failzie vtheris our letrez salbe direct Simpliciter to put thame thairto, The quhilk to do we committ to zow coniunctlie and seuerallie our full powar Be thir our letrez delyvering thame be zow dewlie execute and indorsat agane to the berar. Given vnder our Signet At Edinburgh the aucht day of Maii and of our Reigne of great Brytane France and Ireland the feird and xxxix zeiris 1606.

Ex delibe

Ex deliberatione Dominorum Secreti consilii.

J. PRYMROIS
18 May 1606.
X^s.

JA. PRYMROIS.

SLAUGHTER.—Levyng “Skatt” or “Blackmail,” Stoutreif, etc. A.D. 1607.

Jun. 27. ALLASTER STEWART M'GILLIECHALLUM brother to Johnne Stewart,
alias Johnne Dow M'Gilliechallum of Tennaudrie.

Dilaitit, accuset & persewit be Dittay following, viz. That is to say, of airt and pairt of the Slauchter of umq^{le} Johnne Stewart of Bonskeid; committit in the moneth of December, the yeir of god I^m vj^e and fyve yeiris, betuix Dunkeld & Atholl, upoun sett purpois, provisioun & foir thocht felony.

Item, for airt & pairt of the Slauchter of umq^{le} Johnne Stewart, secund sone to the said umq^{le} Johnne Stewart of Bonskeid; committit about Paisch, in the yeir of god I^m vj^e & sax yeiris vpoun the landis of Kilbrochene.

Item, for airt & pairt of the slauchter of umq^{le} Williame Leith att the Kirk of Crathie in Cromar, committit about tuell yearis syne, or thereby. Item, for cuming with Johnne Dow, his brother, to the boundis of Strathardill, in the moneth of July last bypast & compelling of the tenantis of the landis of Strathardill to pay to thame ane Skatt¹ of foure hundredth merkis or thairby; committand thairby manifest Oppressioun. Item, for the thiftious steilling & reving be way of maisterfull Stoutreif, fra . . . Donaldson, chapman of his pak, with certane merchandice thairin committit thre yearis syne or thairby.

Persewer Mr. Robert Lyntoune.

ASSISA.

Alexander Dunbar, Schereff of
Murray.

Patrick Moncur of Chapelton.

Tho^s Farguison of Bellewchane.

Sir Thomas Stewart of Garnetully,
Knycht.

Johnne Moncur, sone to the Laird
of Moncur.

W^m Stewart of Kynnaird.

David Drummond (Chalmerlane
to my Lord Drummond).

Mr. Alex^r Hay of Kynmwdie.

Colene Campbell of Bothe.

Tho^s Otterbourne of Reidhall.

Alex^r Fleming of Moness.

Angus Williamsoun of Termet.

Rob^t Chrystie, tailzeour burges of
Edinburgh.

Verdict.—The assyse be the mouth of Tho^s Otterburne chancillar, ffand, pronounceit & declarit the said Alex^r Stewart to be ffylit, culpable & convict of airt & pairt of ilk ane of the pointis of Dittay, respective abone writtin, & of the crymes contenit in the samin, conforme to his Confessioun producet in judgement, quhilkes he ratifeit.

Sentence.—And therefore the said Justice-depute, be reasoun thair of, & of his speciall Convictioun, of the thiftious steilling & reving be way of masterfull Stoutreiff, fra . . . Donaldson, chapman, of his pak & merchandice contenit thairin, be the mouth of Robert Montgomerie, dempstar, Ordanit the said Alex^r Stewart to be tane to the Mercat Croce of Edinburgh, & thair to be hanged vpoun ane gibbet quill he be deid; & all his landis, heritageis, takes, stedingis, rowmis, possessiounis, coirnis, cattell, guidis & geir to be fforfait & escheit, etc.²

¹ A compulsory tax or fine similar (in this instance at least) to blackmail. *Scatt*, properly, was a feudal tax anciently paid in Shetland to the King of Denmark, and at present Lord Dundas draws a considerable sum of scatt, which is understood to be payable chiefly in kind, *e.g.* butter and oil, etc.

² From R. Pitcairn's Criminal Trials in Scotland from 1488 to 1624, vol ii. p. 528.

Bonskeid
Charters.

BOND by which NEIL STEWART of Sheirglas renders ALEXANDER and JOHN STEWART "harmles and skaithles."
Dated 9th January 1606.

At Edinburgh the xij day of Januar The zeir of god J^m vj^e and aucht zeiris In presence of the Lordis of counsell comperit M^r Johne Russell procurator speciallie constitut for Neill Stewart in Scheirglais principall and Alexander Robertsone alias Carlochtsoun of Inchemagranoch as cautioner for him And gaif in the obligatioun vnderwrittin Subscriuit with thair handis desyring the same to be registrat in the buik of counsell to haue the strenth of ane decreit of the Lordis thair of with executoriellis to pas thairvpoun in maner thairin contenit The quhilk desyre the saidis Lordis thocht ressonabill and thairfor hes ordanit and ordanes the said obligatioun to be insert and registrat in the said buik of counsell, decernes the samin to haue the strenth of thair decreit and ordanis letres and executoriallis to be direct thairvpoun in maner specifeit thairintill Quhairoff the tennour follovis Be It kend till all men be thir present letres we neill Stewart in Scheirglais principall and Alexander Robertsone alias Carlochtsone of inchemagranocht as cautioner souerteis and full dettours for me To haue assurit And be the tennour heirof be the faith and treuth of our bodeis assuris Alexander Stewart of bonskeid Johne Stewart his brother germane And als bind and oblisses ws coniunctlie and seuerale our airis etc. that the said Alexander and Johne Stewartis thair men seruandis and tenentis salbe harmeles and skaithles and nawayis trubliit nor persewit in thair persones guidis or geir be me the said Neill my men tennentis or seruandis nor na vtheris that I may stop or lett vtherwayis nor be ordour of Law at ony tym heirefter quhill that I the said neill cum personalie In presence of ane noble Lord James Erle of Atholle Lord Balveny etc. and gif ouer this assurance And als dewlie aduertis the said Alexander and Johne Stewart vpoun the premonitioun of ten dayis preceiding. And also I the said Neill for me my bairnes men tennentis and seruandis forsaid bind and oblis me my foirnamit cautioneris and our forsaidis that we nor nane of ws sall haif hant traffect commoning nor dealing with Johne Stewart nor Alexander Stewart my brether murtheris of vmquhile Johne Stewart of Bonskeid secreitlie nor oppinlie directlie nor indirectlie at na tym heirefter And that I and my bairnes men tennentis and seruandis forsaid salbe ansuerabill to the Lawis for ony thing can be allegit or proponit aganis ws or ony of ws for the slauchter of the said vmquhile Johne Stewart of bonskeid Or for ressait traffect commoning or dealing with the said Johne or Alexander Stewartis murthereris of the said Johne Stewart of bonskeid or thair complices sa oft as I the said Neill or my bairnes men tennentis or seruandis salbe requirit to that effect vnder the pane of tua thousand merkis Scottis be cais of failzie the tua pairt to be payit to my Lord and the thrid pairt to the pairtie And I the said Neill Stewart in schyirglas bindis and oblissis me my airis executeris assignais and intronettour with my guidis geir landis rentis or ony pairt thair of To warrand relief and keip harmeles and skaythles the said Alexander Carlochtsone alias Robertsone my cautioneris and thair forsaidis of the hail contentis of this present obligatioun and all that may follow heirvpoun And to refund and pay to thame or ony of thame quha sallhappin to be distressit the paction and liquidat soume of tua hundreht pund money scottis as for expensses becais of nocht tymous releifing of thame as said is And for the mair securitie we the said obligantis ar content and consentis that thir our letres obligatouris be registrat and insert in the buik of our souerane lordis counsell and Sessioun or commissaris buik of Dunkeld respectiue thair to haue the strenth of ane decreit Judiciale of the said Judgis with executoriellis of arrest anent pounding horning and warding to follow thairvpoun in simple forme of sex dayis chairge allanerlie And for registering heirof as said is constitutis M^r Johne Russell Aduocat Oure procuratouris coniunctlie and seuerale To compeir and in our names consent to the registering heirof to quhom we commit our full pover to that effect And generallie etc. firme and stable etc. In witnessing of the quhilk thing thir presentis writtin be M^r Walter Stewart noter in Dunkeld we haue subscriuit with our hand as follovis At Dunkeld the nynt day of Januar in the zeir of God J^m vj^e and sex zeiris Befoir thir witnesses M^r

Thomas Abirerumby of cragie Duncane Menzeis of comrie Johne Stewart of granycht Sic subscribitur Neill Stewart with my hand Alexander Robertsons of inchemagranocht with my hand M^r Thomas Abirerumbie witnes Duncane Meinzeis witnes Johne Stewart witnes M^r Walter Stewart noter witnes. Extractum de Libro actorum per me Dominum Joannem Skene de Currihill Militem clericum Rotulorum registri ac consilii S. D. N. regis sub meis signo et subscriptione manualibus.

JOANNES SKENE, Clericus Registri etc.

(Dorso) Stewart contra Stewart.
A. QUHYTE.

FAILZEIS "committit be NEILL STEWART of Scheirglas aganes" ALEXANDER STEWART of Bonskeid.

Bonskeid
Charters.

Item the said Neill Stewart be his band and obligatioun as principall and Alexander Robertsons alias Carlochsoun of Inchemagranoch as cautioner and souertie for him hes bund and oblist thame coniunctlie and seuerallie That the said Alexander Stewart and vmquhill John Stewart his brother thair men tennentis and seruandis etc. Salbe nawayis trublit nor persewit in thair persones guidis nor geir be the said Neill nor that he his men tennentis and seruandis nor nane of thame sall hant trefect nor deall with John nor Alexander Stewart brether to the said Neill morderers of the vmquhill Johne Stewart of bonskeid secreitlie nor opinlie directlie nor Indirectlie And that the said Neill his bairnes and seruandis Salbe ansuerabill to the Lawis wnder the paine of tua Thowsand merkis Scottis money As thair letres obligatoris maid thairvpoun the nynt day of Januar the zeir of god Jm vj^e and sex yeiris Sen the quhilk tyme the said Neill in the monethis of november december and remanent monethis the zeiris of god 1606 and 1607 zeiris At the leist in sun of the saidis monethis And Lyikwyis in the moneth of februar or thairby The zeir of god Jm vj^e and aucht zeiris The said Neill hes ressaut the said John Stewart his brother In companye and Societie with him in his duelling-hous of be eitting drinking familiarlie daylie and nychtlie in houshold togidder And thairby hes contravenit the said band.

Item the said Neill Stewart sen the dait of the said band In the moneth of appryll the zeir of god Jm vj^e and sex zeiris houndit out Ross his seruand In companye with the said John Stewart his brother to the slauchter of the said vmquhill John Stewart brother to the said Alexander At the leist quhome he mycht have stayit being his seruand, and sua hes contravenit the said band.

Item the said Neill Stewart in the moneth of last bypast wes in companye with the said John Stewart Dow M^gillicallum and Alexander Robertsons burges of Perth at the craig callit Craigwairnes abone the sitie of Dunkeld accompaniet with thrie notaris and dyvers vtheris persones maid dyvers bandis betuix the said John Dow and the said Alexander Robertsons And sua hes contravenit the said band.

Item last the said Neill Stewart In the moneth of last bypast Ressaut Donald Mⁱndoug and Duncan Gow seruitouris to the said John Stewart Dow M^gillicallum efter thai wer hurt and woundit in the said John his awin companye And thairefter acceptit and ressaut be the said Neill and Intertenit be him in his said duelling-place fyftene days or thairby.

(Dorso) Alexander Stewart of Bonskeid, 4 peccs.

LETTERS OF CHARGE at instance of NEIL STEWART of Sheirglas against ALEX^r. STEWART of Bonskeid.
Dated 4th March 1608.

Bonskeid
Charters.

James Be the grace of God King of gryt Brittan ffrance and Irlland Defender of the fayth To our Louittis Jhone M^eEnvoir Our Shireffis in that pairt coniunctlie and

seueralie speecalie constitutt gretting ftersomikell As it is humblie meanit and schawin To ws be our Louitis Neill Stewart in Scheirglas and Alexander Robertsons alias Tarlochsons of Inchmagranocht That quhair Alexander Stewart of Bonskeid aledging that the said Neill Stewart as principall and the said Alexander Robertsons alias Tarlochsons as cautioner souertie and full debtour for the said Neill be thair letres obligatouris subseruit with thair awin handis of the daitt Att Dunkeld the eleint day of Januar The zeir of god Jm Sex hundreth and sex zeiris be the fayth and trewth of thair bodies oblist them coniunctlie and seueralie That the said Alexander Stewart of bonskeid and umquhill Jone Stewart his brother thair men tenentis and servandis suld be hermeless and skeythles and nawayis trublit nor molestit in thair bodeis guidis and geir be the said Neill Stewart his men tenentis or serwandis nor nain wtheris quhome he may stope or lat wtherways nor be ordour of Law at na tym thairefter quhill that the said Neill Stewart compeir personalie in presens of our rycht traist cusing and counseler James erle of Atholl Lord ballwanie etc. and giwe ouer the said assurence and als dewlie aduertes the saidis Alexander and wmqhill Johne Stewartis upone the premonitioun of Ten dayis premonitioun and als the said Neill for him his bairnes men tenentis and servandis band and oblist him his foirneit cawtioner and thair foirsaidis That thei nor nain of them Suld haue hant traffect commoning nor delaying [*sic* for dealing] with Alexander nor Johne Stewartis nor Johne Stewartis brither to the said Neill Secreitlie nor oppinlie directlie nor indirectlie And that the said Neill his bairnes men tenentis and serwandis sall be anserable To our Lawis for ony thing can be alegit aganis them for the Slauchter of wmqhill Johne Stewart of bonskeid or for resetting and commoning with the said Jone and Alexander Stewartis thair compliceis sa oft as the said Neill and his foirsaidis sall be requirit To that effect wnder the paine of tua thousand merkis Scotis mone becaus of faillzie the Tua pairt thair of payit to our rycht traist cusing James erle of Atholl ane thrid pairt to the pairtie Hes purchest the foirsaid obligatioun registrat in the buikis of counsell and on thair pretendit maner causit charge the said compleneris To obserue keip and fullfill the saidis Lettres obligatouris in all and sindrie the heidis poyntis and conditionis thair of and speecalie to mak payment of the sowme of Tua thousand merkis for aledgit fellzie in aledgit breaking of the said assurence and contrawing of the contentis foirsaidis of the saidis letres obligatouris within ane certain spece efter the charge wnder the pain of rebelioun and putting of the saidis compleneris to our horne and for aledgit non obedience Intendis to put them thair to maist wranguslie Considering it is of weritie that the said pretendit obligatioun was maid and grantit *metus causa* and throw verie Just feir the said Neill being captiue and in presone of the castell of Blair and was compelit for feir of his lyf and for his libertie furth of the said presone to grant the pretendit obligatioun foirsaid and all sic wnelaufull obligationis ar null in the self as maid contrair our lauis Secundlie it is of ueritie lyk as be inspectioun of the saidis letres obligatouris extractit of the buikis of counsell presentlie schawin to the Lordis thair of that the heill hedis clausses and artickles quhilkis the saidis compleneris thairby ar oblist to fullfill consistis alltogidder in fact except the payment of the said sowme of Tua thousand merkis of peneltie in caice of fellzie And trew it is the saidis compleneris nor nather of them hes nawayis uiolat nor brokin the said assurence nor contrait the tenour of the said band and obligatioun directlie nor inderectlie at na tyme Sen the making thair of neither is thair onie fellzie or contrauentioun qualefeit nor Declaratour giwin thairwpon And except it war foundin in ane speceall decreit and declaratour that the saidis compleneris haue contrait and cum in the contrair of the said band and obligatioun and that thei thairthrow haid incurit the foirsaid penultie thair aucht na sic charge to haue bein givin nor decreit aganis the saidis compleneris for Payment of the said fellzie And neuertheles for obedience of the command of our saidis wtheris letres and eschewing of the danger of horning thairin contenit They haue fund cautioun instantlie in presens of the saidis Lordis of our counsell for filling of the said pretendit Letres obligatouris in all and sindrie thair hedis pointis artickles and clausses thair of declaratour being haid quhat point or artickell restis wnfullfillit be them and als to mak payment of the said

penultie of Tua thousand merkis in maner contenit in the saidis Letres obligatouris in caice it sall be fundin that thei haue contrawnit the tenour thairof At onie tyn Sen the making of the samen efter speceall decreit and declaratour of the saidis Lordis of our counsell To be giwin thairaunt and thairfoir our saidis wtheris Letres effect thairof and proces of our horne thairin contenit aucht and Suld be suspendit simpliciter upone the saidis compleneris in tyme cuming for the caus foirsaidis as is alegit Our will is heirfoir and we charge zou That ze lauffullie summond warne and charge the said Allexander Stewarte of bonskeid [Paper torn.]

(Dorso) 4 Marcii 1608.

Ordanes peibles to produce the principall the morne, and to summon the pairteis in the meantyme.

BOND by JOHN STEWART, younger of Pitfurie, and JOHN STEWART, younger of Pitdorme, to ALEX^R STEWART of Bonskeid, for £1000. Recorded 23rd November 1609.

Bonskeid
Charters.

At Edinburgh the xxij day of November The zeir of god J^m vj^e and Nyne zeiris In presens of the Lordis of counsall Compeirit personalie Archibald boyd procurator specialle constitut be this vnderwritten obligatioun for Johne Stewart zounger of Pitfurie and Johne Stewart zounger of Petdorme And gave in the same subscriuit with thair handis desiring the same to be insert and registrat in the buikis of counsall and executoriallis to be direct thairvpoun in maner specifeit thairin The quhilk desire the saidis Lordis thocht ressonabill And thairfoir hes ordanit and ordanis the said obligatioun to be insert and registrat in thair saidis buikis and decernis and ordanis Letteris and executoriallis to be direct thairvpoun in maner specifeit thairin Off quhilk the tennour followis Be It kend till all men be thir present letters Me Johne Stewart zounger of pitfurie and Johne Stewart of petdrome fforsamekle as we grant ws to haue borrowit and ressaut fra Alexander Stewart of bonsceid All and hail the sowme of ane thowsand pundis guid and vsuall money of North Britane and thairof Renunceand the exceptioun of nocht numerat money and all vther exceptiounis of the Law preiudiciall heirto discharges and exoneris the said Alexander Stewart and all vtheris quhom it effeiris Simpliciter Thairfoir to be bundin and obleist And be the tennour heirof bindis and obleisses ws conjunctlie and seuerallie our airis executeris assignais and intronettouris with our guidis and geir To redelyuer content and agane pay the said sowme of Ane thowsand pundis money foirsaid to the said Alexander his airis executeris or assignais befor the first day of September nixtocum in this present zeir of God J^m vj^e and aucht zeiris but fraud or gyll And forder to pay to the said Alexander Stewart and his foirsaidis the pactionat and liquidat sowme of ane hundreth pundis as for expensses incais of registratioun of thir presentis in our default and suiting executioun heirvpoun Provyding alwayis incais we or ony of ws or our foirsaidis pay the said sowme of ane Thowsand pundis money foirsaid to the said Alexander or his foirsaidis Thatt than and in that cais the lettre of slanes maid be the said Alexander Stewart of bonskeid to Johne Stewart M^cGillichallum and vmquhill Alexander Stewart his brother for the slauchter of vmquhile Johne Stewart of bonskeid and of vmquhile Johne Stewart his sone Be delyuerit to the said Johne Stewart M^cGillichallum and the same lettre of Slanes and the freindschip maid betuix the said Alexander Stewart of bonskeid and Johne Stewart M^cGilliechallum stand in effect vnbrokin or violat in ony syd according to the appoyntment And for the mair securitie The saidis obligantis ar content thir presentis be registrat in the buikis of counsale and sessioun To haue the strenth of ane decreit of the Lordis thairof with executoriallis of horneing poynding and warding the ane but preiudice of the vther to follow thairvpoun And the horneing to be vpoun ane simpill charge of sex dayis onlie And constitutis Archibald Boyd our procurator Promitten. de rato In witnes of the quhilk thing thir presentis writtin be Alexander Stewart sone to Johne Stewart of Granycht we haue sub-

screyvit with our handis befor thir witness Jon Stewart of Granycht Neill Stewart in Scheglas and Alexander Stewart wrytter foirsaid Sic Subscribitur Johne Stewart zounger of Pitfurie with my hand Johne Stewart with my hand Neill Stewart witnes Johne Stewart witnes A. Stewart witnes. Extractum de libro actorum per me Dominum Joannem Skene de currehill militem clericum Rotulorum registri ac consilii S. D. N. Regis Sub meis signo et subscripcione manuali.

JOANNES SKENE, Clericus Registri etc.

(Dorso) Alexander Stewart 1609.

DEEDS RELATING TO DUNCAN MENZIES OF COMRIE.

Registrum
Magni
Sigilli,
Lib. L. No.
58.

CROWN CHARTER confirming Charter by ALEXANDER MENZIES of that Ilk to DUNCAN MENZIES of Enoch, his brother-german, of the Lands of Rorow. Charter dated 23rd July 1601; confirmed 2nd August 1622.

Jacobus Dei gratia Magne Britannie Francie et Hybernice Rex fideique defensor Omnibus probis hominibus totius terre sue clericis et laicis salutem Sciatis nos cum avisamento et consensu predilecti nostri consanguinei et consilarii Joannis comitis de Mar Domini Erskine et Garioche etc magni nostri Thesaurarii nostrorum computorum rotulatoris et collectoris regni nostri Scotie reliquorum Dominorum commissionariorum eiusdem Quondam cartam et infeofamentum per Alexandrum Menzeis de eodem factam et concessam quondam Duncano Menzeis de Enoche suo fratri germano et heredibus suis masculis cognomen et arma de Menzeis gerentibus suisque assignatis quibuscunque hereditarie et irredimabiliter absque vlla reversione redemptione seu regressu De totis et integris quatuordecim mercatis terrarum de Rorow cum singulis suis maneriebus domibus edificiis onsettis hortis toftis croftis outsettis siluis et piscariis tam salmonum quam aliorum piscium jacentibus in baronia de Menzeis infra bondas de Glenlyoun et infra vicecomitatum nostrum de Perth Tenendis a prefato Alexandro Menzeis et heredibus suis de nobis et successoribus nostris in feodo et hereditate imperpetuum de mandato nostro visam lectam inspectam et diligenter examinatum sanam integram non rasam non cancellatam nec in aliqua sui parte suspectam ad plenum intellexisse sub hac forma Omnibus hanc cartam visuris vel audituris Alexander Menzeis de eodem salutem in Domino sempiternam noveritis me non vi aut metu ductum nec errore lapsum seu dolo aut fraude circumventum sed mea mera pura libera et spontanea voluntate meisque comodo et vtilitate in hac parte vndique preuisis pensatis et mature consideratis virtute cuiusdam contractus initi et confecti inter me ab vna et Duncanum Menzeis de Enoche meum fratrem germanum ab altera partibus penes infeofamentum subscriptum ac pro causis onerosis in dicto contractu mentionatis necnon pro quadam certa magna pecunie summa mihi prefato Alexandro per prefatum Duncanum gratanter et integre premanibus persoluta et in pecunia numerata realiter et cum effectu deliberata ac in vsus meos totaliter conversa de quaquidem pecunie summa teneo me bene contentum plenarie et integre persolutum ipsumque Duncanum heredes suos executores et assignatos pro me heredibus meis executoribus et assignatis quietos inde clamo et exonero imperpetuum vendidisse tituloque et pure venditionis a me et heredibus alienasse et hac presenti carta mea confirmasse necnon tenore presentium vendere tituloque pure venditionis a me et heredibus meis alienare et hac presenti carta mea confirmare prefato Duncano Menzeis meo fratri germano et heredibus suis masculis cognomen et insignia de Menzeis gerentibus suisque assignatis quibuscunque hereditarie et irredimabiliter absque vlla reversione redemptione aut regressu Totas et integras meas quatuordecim mercatas terrarum de Rorow cum omnibus et singulis suis maneriebus domibus edificiis onsettis hortis toftis croftis outsettis siluis piscationibus et piscariis tam salmonum quam aliorum piscium annexis connexis priuilegiis partibus pendiculis et pertinentiis quibuscunque, jacentes in baronia mea de Menzeis intra bondas de Glenlyoun infra vicecomitatum de

Perth Tenendas et habendas Totas et integras predictas meas quatuordecim mercatas terrarum de Rorow etc. [ut supra] prefato Duncan dictisque heredibus suis masculis et assignatis quibuscunque hereditarie et irredimabiliter absque vlla reversione redemptione aut regressu a me et heredibus meis de supremo domino nostro rege et suis successoribus in feodo et hereditate imperpetuum per omnes rectas metas suas antiquas et diuisas prout jacent in longitudine et latitudine in domibus edificiis boscis planis moris marresiis viis semitis aquis stagnis rivolis pratis pascuis et pasturis molendinis multuris et eorum sequelis aucupationibus venationibus piscationibus petariis turbariis carbonibus carbonariis, cuniculis cuniculariis fabrilibus brasinis brueriis et genestis siluis nemoribus et virgultis lignis tignis lapicidiis lapide et calce cum curiis et earum exitibus herezeldis bluduitis et mulierum merchetis cum communi pastura libero introitu et exitu ac cum omnibus aliis et singulis libertatibus commoditatibus proficuis asiamentis ac justis suis pertinentiis quibuscunque tam non nominatis quam nominatis tam subtus terra quam supra terram procul et prope ad predictas terras aliaque premissa cum pertinentiis spectantibus seu juste spectare valentibus quomodolibet in futurum libere quiete plenarie integre honorifice bene et in pace sine aliquo impedimento retinemento revocatione contradictione aut obstaculo aliquali Reddendo inde annuatim prefatus Duncanus Menzeis dictique heredes sui masculi et assignati quicunque prefato supremo Domino nostro Regi et successoribus suis jura et seruitia perprius inde debita et consueta tantum pro omni alio onere exactione questione seruitio seculari seu demanda que de predictis terris aliisque premissis cum pertinentiis per quoscunque juste exigi poterint quomodolibet vel requiri Et ego vero prefatus Alexander Menzeis de eodem et heredes mei tam tallie et prouisionis quam linee successorisque mei et assignati totas et integras predictas quatuordecim mercatas terrarum de Rorow [etc. ut supra] prefato Duncan Menzeis dictisque heredibus suis masculis et assignatis quibuscunque hereditarie et irredimabiliter absque vlla reversione redemptione aut regressu in omnibus et per omnia forma pariter et effectu vt premissum est et presertim ab omnibus nonintroitibus dominarum terciis coniunctis infeodationibus libere tenementis vitalibus aliisque redditibus eschaetis forisfacturis annualibus redditibus recognitionibus alienationibus totius vel majoris partis assedationibus longis et brevibus statis et sasinis publicis et priuatis purprusionibus et purpresturis disclamationibus bastardiis appretiationibus evictionibus reductionibus inhibitionibus interdictionibus et ab omnibus aliis dispositionibus oneribus clameis damnis periculis inconvenientibus et inodimentis quibuscunque, quibuscunque causis factis occasionibus presentibus preteritis et futuris procedentibus juxta formam et tenorem antedicti contractus contra omnes mortales warrantizabimus acquietabimus et imperpetuum defendemus Insuper dilectis meis. . . . Ac vestrum cuilibet coniunctim et diuisim balliuis meis in hec parte specialiter constitutis salutem vobis precipio et firmiter mando quatenus visis presentibus indilate statum sasinam hereditariam pariter et possessionem corporalem actualem et realem Totarum et integrarum predictarum quatuordecim mercatas terrarum de Rorow [etc. ut supra] prefato Duncan Menzeis suo fratri germano dictisque heredibus suis masculis et assignatis quibuscunque hereditarie et irredimabiliter absque vlla reversione redemptione aut regressu vel certis suis actornatis seu procuratoribus actornato seu procuratori presentium latoribus seu latori juste haberi faciatis tradatis et deliberetis et hoc nullo modo omittatis Ad quod faciendum vobis et vestrum cuilibet coniunctim et diuisim balliuis meis in hac parte antedictis meam plenariam et irrevocabilem tenore presentium committo potestatem In cuius rei testimonium huic presenti carte mee preceptoque sasine scriptis per Jacobum Leslie seruitem Magistri Oliveri Colt advocati ac per me prefatum Alexandrum Menzeis de eodem vt sequitur subscriptis sigillum meum est appensum apud burgum de Perth die vigesimo tercio mensis Julij anno Domini millesimo sexcentesimo primo coram his testibus Adamo Menzeis de Balloquhin Roberto Menzeis de Aberfaldy Jacobo Menzeis meo seruo Malcomo Broun scriba in Perth ac Alexandro Robertsoun notario. Quamquidem cartam et infeofamentum suprascriptam vnacum precepto sasine inibi specificato ac instrumento sasine desuper sequente in omnibus suis punctis et articulis conditionibus et modis ac circumstantiis suis quibuscunque In omnibus et per

omnia forma pariter et effectu vt premissum est Ratificamus approbamus ac pro nobis et successoribus nostris pro perpetuo confirmamus saluis omnimodo nobis et successoribus nostris iuribus et scrutiis predictis quatuordecem mercatarum terrarum aliarumque prescriptarum nobis et predicecessoribus nostris ante hanc presentem nostram confirmationem debitis et consuetis tantum Insuper nos pro nobis et successoribus nostris decernimus et ordinamus Quod hec presens nostra confirmatio est et in omnibus temporibus futuris erit tanti valoris roboris valitudinis et efficacie ac si eadem prefato quondam Duncano Menzeis Menzeis die et data dicti infeofamenti et ante decessum suum data et concessa fuisset ac etiam tanti valoris fortitudinis et efficacie ac si eadem prefato quondam Duncano Menzeis nostro sub magno sigillo in majori forma ante sasinam per ipsum de prefatis terris aliisque prescriptis cum pertinentiis data et concessa fuisset non obstante eadem sasina per ipsum de eisdem hactenus capta penes quam omnesque alios defectus et imperfectiones que desuper sequi poterunt nos pro nobis et successoribus nostris per presentis carte nostre tenorem imperpetuum dispensamus In cuius rei testimonium huic presenti carte nostre confirmationis magnum sigillum nostrum apponi precepimus Testibus vt in aliis cartis consimilis date precedentibus Apud Edinburgh secundo die mensis Augusti anno Domini millesimo sexcentesimo vigesimo secundo Regnorum nostrorum annis quinquagesimo sexto et vigesimo.

Registrum
Magni
Sigilli,
Lib. xliii.
No. 367.

CROWN CHARTER to DUNCAN MENZIES of Enoch of the Lands of Rerak, Easter and Wester Cumries, etc.
Dated 26th November 1603.

Jacobus Dei gratia Rex Scotie Anglie Gallie et Hibernie etc fideique defensor omnibus probis hominibus Totius terre sue clericeis et laicis salutem Sciatis nos dedisse concessisse et hac presenti carta nostra confirmasse dilecto nostro Duncano Menzeis de Enoch suisque heredibus et assignatis hereditarie Totas et integras terras de Rerak alias Roras in Glenlyoune et totas et integras terras de Eister et Wester Cumreis Auchley et Lagane cum omnibus et singulis suis turribus fortaliciis maneriebus siluis lacubus salmonum piscationibus molendinis multuris lie knaifschip pomeriis hortis onsettis annexis connexis tenentibus tenandriis et libere tenentium serutiis partibus pendiculis et pertinentiis suis quibuscunque, jacentes infra baroniam de Menzeis et vicecomitatum nostrum de Perth Quequidem Alexandro Menzeis de eodem in feodo et hereditate hereditarie pertinuerunt Per ipsum suosque predicecessores de nobis nostrisque nobilissimis progenitoribus Per serutium warde et releuii tente Et nunc ad nos pertinent ac in manibus nostris deuenerunt ob dicti Alexandri Menzeis suorumque predicecessorum hereditariam dispositionem maioris partis dicte baronie de Menzeis sine nostra nostrorumque predicecessorum licentia consensu seu confirmatione sufficienti desuper obtenta Tenendas et habendas Totas et integras dictas terras Rerak alias Roras in Glenlyoune Et Totas et integras dictas terras de Eister et Wester Cumreis Auchley et Lagane Cum omnibus et singulis suis turribus fortaliciis maneriebus siluis lacubus salmonum piscationibus molendinis multuris lie knaifschip pomeriis hortis lie outsettis annexis connexis tenentibus tenandriis et libere tenentium serutiis partibus pendiculis et pertinentiis suis quibuscunque jacentes vt dictum est dicto Duncano Menzeis suis heredibus et assignatis de nobis et successoribus nostris in libera tenandria feodo et hereditate pro nunc et imperpetuum Per omnes rectas metas suas antiquas et diuisas prout eedem respectiue jacent in longitudine et latitudine In domibus edificiis boscis planis moris merresiis viis semitis aquis stagnis riulis pratis pascuis et pasturis molendinis multuris et eorum sequelis aucupationibus venationibus piscationibus petariis turbariis carbonibus carbonariis cuniculis cuniculariis columbariis columbis fabrilibus brasinis brueriis et genestis siluis nemoribus et virgultis lignis tignis lapicidiis et calce cum furca fossa sok sak thole theme infangtheiff outfangtheiff pit et gallous wrak wair vennesoun cum curiis et earum exitibus herezeldis bludewittis et mulierum merchetis cum communi pastura libero introitu et exitu ac cum omnibus aliis et singulis libertatibus commoditatibus proficuis et asiamentis ac justis suis pertinentiis

quibuscunque tam non nominatis quam nominatis tam subtus terra quam supra terram procul et prope ad predictas terras aliaque particulariter prescripta cum suis pertinentiis spectantibus seu juste spectare valentibus quomodolibet in futurum libere quiete plenarie integre honorifice bene et in pace sine reuocatione contradictione impedimento aut obstaculo quocunque Insuper vniuius annexauimus et incorporauimus Tenoreque presentis carte nostre vniuius annexamus et incorporamus Totas et integras dictas terras de Rerak alias Roras in Glenlyoune Et Totas et integras dictas terras de Eister et Wester Cumreis Auchley et Lagane Cum omnibus et singulis suis turribus fortaliciis maneriebus siluis lacubus salmonum piscationibus molendinis multuris lie knaifschip pomeriis hortis lie outsettis onsettis annexis connexis tenentibus tenandriis liberetenentium seruitiis partibus pendiculis et pertinentiis earundem quibuscunque, jacentes vt predictur in vnam tenandriam omni tempore futuro Tenandriam de Cumrie nuncupandam ac volumus et concedimus ac pro nobis et successoribus nostris decernimus et ordinamus quod vnica sasina nunc per prefatum Duncanum Menzeis suosque heredes et successores super prefatis terris de Cumrie sumenda adeo valida et sufficiens erit sasina ac si particularis sasina per eos apud quamlibet partem dictarum terrarum molendinorum siluarum lacuum piscariarum aliorumque particulariter suprascriptorum suscepta fuisset Reddendo inde annuatim dictus Duncanus Menzeis sui heredes et assignati nobis et successoribus nostris seruitium warde releuii debitum et consuetum In cuius rei testimonium huic presenti carte nostre magnum sigillum nostrum apponi precepimus Testibus vt in aliis cartis consimilis date precedentibus Apud Edinburgh vicesimo sexto die mensis Novembris anno Domini millesimo sexcentesimo tertio et Regni nostri Scotie tricesimo septimo Anglie vero Gallie et Hibernie primo.

CROWN CHARTER to DUNCAN MENZIES of Comries, and MARY CAMPBELL, his wife, etc., of the Lands of Balnagaird and Balnavert. Dated 25th August 1614.

Registrum
Magni
Sigilli,
Lib. xlvii.
No. 317.

Jacobus dei gratia Magne Britannie Francie et Hibernie Rex, fideique defensor Omnibus probis hominibus totius terre sue clericis et laicis salutem Sciatis nos dedisse concessisse disposuisse et hac presenti carta nostra confirmasse tenoreque eiusdem dare concedere disponere ac pro nobis et successoribus nostris pro perpetuo confirmare Dilecto nostro Duncano Meinzeis de Comreis et Marie Campbell eius conjugii eorumque alteri diutius viuenti in conjuncta infeodatione et heredibus inter ipsos legitime procreatis seu procreandis Quibus deficientibus legitimis et propinquiore heredibus et assignatis dicti Duncani quibuscunque hereditarie et irredimabiliter absque vlla reversione redemptione seu regressu Totas et integras terras de Balnagaird et Balnavert cum omnibus et singulis maneriebus domibus edificiiis lie onsettis hortis pomariis toftis croftis lie outsettis molendinis terris molendinariis multuris tam astrictis quam aliis sequelis lie scheillingis pasturis piscariis tam salmonum quam aliorum super aqua de Tay annexis connexis partibus pendiculis et pertinentiis quibuscunque, jacentes infra vicecomitatum nostrum de Perth Quequidem perprius ad Jacobum Atholie comitem pertinuerunt et per suos legitimos procuratores literasque patentes in manibus nostris tanquam in manibus sui immediati superioris earundem pure et simpliciter per fustim et baculum vt moris est apud Edinburghum resignate fuerunt cum omni jure titulo interesse jurisclameo petitorio et possessorio que dictus Jacobus Atholie Comes heredes sui aut assignati habuerunt habent seu quouismodo habere vel clamare poterant pro hoc nostro nouo infeofamento per nos nostro sub magno sigillo prefatis Duncano et Marie sue sponse desuper dando et conficiendo eorumque alteri diutius viuenti in conjuncta infeodatione eorumque heredibus et assignatis antedictis hereditarie ac irredimabiliter vt prefertur Insuper nos pro bono fidei et gratuito seruitio nobis per dictum Duncanum prestito et impenso de nouo dedimus concessimus disposuimus ac pro nobis et successoribus nostris pro perpetuo confirmauimus Tenoreque presentis carte nostre de nouo damus concedimus disponimus ac pro nobis et successoribus nostris pro perpetuo confirmamus prefatis Duncano Meinzeis

et Marie Campbell eius conjugii eorumque alteri diutius viuenti in conjuncta infeodatione et heredibus inter ipsos legitime procreatis seu procreandis Quibus deficientibus legitimis et propinquioribus heredibus et assignatis dicti Duncani quibuscunque hereditarie et irredimabiliter absque vlla reuersione redemptione seu regressu aliquali Omnes et singulas predictas terras de Balnavaird [sic] et Balnavert cum omnibus et singulis maneribus domibus edificiis lie onsettis et outsettis hortis pomariis toftis croftis molendinis multuris tam astrictis quam aliis sequelis lie scheillingis pasturis piscariis tam salmonum quam aliorum super dicta aqua de Tay annexis connexis partibus pendiculis et pertinentiis suis quibuscunque vt prefertur jacentes vnacum omni jure titulo interesse jurisclameo proprietate et possessione tam petitorio quam possessorio que nos predicesores seu successores nostri habuimus habemus seu quouismodo ad easdem in futurum habere vel clamare poterimus seu ad aliquam partem earundem vel ad firmas proficua et deurias eorundem de quibuscunque annis et terminis preteritis Ratione Warde releuii nonintroitus eschaete forisfacture recognitionis purpresture disclamationis bastardie reductionis infeofamentorum sasinarum seu retornatum earundem alienationis totius seu majoris partis seu quocunque alio modo jure aut titulo vel pro quibusuis aliis causis actionibus imperfectionibus defectibus seu occasionibus preteritis datam presentis carte nostre precedentibus Renunciando et exonerando eadem cum omni actione instantia et clameo pro nobis nostrisque successoribus prefatis Duncano et Marie eius conjugii eorumque heredibus et assignatis antedictis cum pacto de non petendo ac cum supplemento omnium defectuum tam non nominatorum quam nominatorum quos tanquam pro expressis in hac presenti carta nostra haberi volumus Tenendas et habendas omnes et singulas predictas terras de Balnagaird et Balnavert cum omnibus et singulis maneribus domibus edificiis lie onsettis outsettis hortis pomariis toftis croftis molendinis multuris tam astrictis quam aliis sequelis lie scheillingis pasturis piscariis tam salmonum quam aliorum super dicta aqua de Tay annexis connexis partibus pendiculis et pertinentiis suis quibuscunque vt prefertur jacentes prefatis Duncano Meinzeis et Marie Campbell eius conjugii eorumque alteri diutius viuenti in conjuncta infeodatione et eorum heredibus et assignatis antedictis hereditarie et irredimabiliter absque vlla reuersione redemptione seu regressu aliqua vt prefertur de nobis et successoribus nostris in feodo et hereditate imperpetuum per omnes rectas metas suas antiquas et diuisas prout jacent in longitudine et latitudine in domibus edificiis boscis planis moris marresiis viis semitis aquis stagnis riuulis pratis pascuis et pasturis molendinis multuris et eorum sequelis aucupationibus venationibus piscationibus petariis turbariis carbonibus carbonariis cuniculis cuniculariis columbis columbariis fabrilibus brasinis brueriis et genestis syluis nemoribus et virgultis lignis tignis lapicidiis lapide et calce cum curiis et earum exitibus herezeldis bluduitis et mulierum merchetis cum communi pastura libero introitu et exitu ac cum omnibus aliis et singulis libertatibus commoditatibus proficuis asiamentis ac justis suis pertinentiis quibuscunque tam non nominatis quam nominatis tam subtus terra quam supra terram procul et prope ad predictas terras cum pertinentiis spectantibus seu iuste spectare valentibus quomodolibet in futurum libere quiete plenarie integre honorifice bene et in pace absque vlla reuocatione contradictione impedimento aut obstaculo aliquali Reddendo inde annuatim prefati Duncanus Meinzeis et Maria Campbell eius conjunx ac eorum alter diutius viuens eorumque heredes et assignati respectiue antedicti Nobis et successoribus nostris Jura et seruitia inde prius debita et consueta tantum In cuius rei testimonium huic presenti carte nostre magnum sigillum nostrum apponi precepimus Testibus vt in aliis cartis consimilibus date precedentibus Apud Edinburgh vigesimo quinto die mensis Augusti anno Domini millesimo sexcentesimo decimo quarto et regnorum nostrorum annis quadragesimo octauo et duodecimo.

CHARTER by WILLIAM EARL of TULLIBARDIN in favour of DUNCAN MENZIES of Comries, and MARION CAMPBELL, his wife, of the Mains of Garth and half of the Bordlands of Forthergill, etc. Dated 16th December 1615. Athole Charter-Room.

Omnibus hanc chartam visuris vel audituris Salutem in Domino sempiternam Willelmus Comes de Tullichbardin dominus de Gask et Balquidder hereditarius proprietarius terrarum et aliarum infrascriptarum Noveritis me pro perimptione vnius mee partis cuiusdam contractus initi et confecti inter me ab vna et Duncanum Menzeis de Comreis et Mariam Campbell eius sponsam partibus ab altera de data presentium Penes hoc presens infeofamentum et pro octo mille mercarum vsualis monete regni Scotie in numerata pecunia mihi per dictum Duncanum integre et plenarie persolutum ut in vsum meum tempore confectionis presencium totaliter conversum de quaquidem summa teneo me bene contentum et de eadem pro me et successoribus meis dictum Duncanum heredes successores et eius executores exonero et quietosclameo imperpetuum Vendidisse disposuisse tituloque pure vendicionis alienasse et hac presenti carta mea confirmasse Necnon tenore presencium vendere disponere tituloque pure vendicionis alienare et hac presenti carta mea confirmare Dictis Duncanum Menzeis et Marie Campbell eius sponse et eorum alteri diucius viventi in coniuncta infeodacione et heredibus inter ipsos legitime procreatis seu procreandis quibus deficientibus heredibus et assignatis dicti Duncani quibuscunque Totas et integras terras dominicales de Garth et orientalem dimedietatem terrarum de Boirdland de Forthirgill Tredecem et quatuor denariatas terrarum de Tomnacroich et terras de Ardehraschast cum lie scheillingis de Ritomnicruik et Craigwaid cum omnibus et singulis aliis lie gressingis scheillingis piscacionibus salmonum et aliarum piscium lie outsettis partibus pendiculis et pertinentiis dictarum terrarum Omnes jacentes infra baroniam de Garth et Forthirgill et vicecomitatum de Perth et eciam totas et integras terras vocatas lie hauch de Tullimat cum domibus edificiis lie gressingis scheillingis piscacionibus partibus pendiculis et pertinentiis earundem jacentes infra dictum vicecomitatum de Perth Tamquam pro principalibus Necnon omnes et singulas terras et baroniam de Tullichmat cum molendinis terris molendinariis piscacionibus Super aquam de Tay silvis nemoribus lie gressingis et scheillingis et omnibus aliis partibus pendiculis et pertinentiis dicte baronie de Tullichmat jacentes infra dominium de Atholl et vicecomitatum predictum et hoc in speciali warrantum predictarum terrarum aliarumque principaliter alienatarum Ita quod si contigerit dictum Duncanum Menzeis et Mariam Campbell eius sponsam vel alterum eorum diutius viventem aut eorum heredes et assignatos predictos molestari perturbari aut impediri in pacifica possessione et gavisione dictarum terrarum aut aliarum supraspecificatarum vt dictum est principaliter alienatarum Ita si contigerit quod dicte terre cum pertinentiis predictis evicte fuerint a dicto Duncanum vel sua sponse aut eorum successoribus ordine juris Ita quod illi realiter et in pace iure non possunt dictas terras principaliter alienatas possidere et gaudere secundum tenorem dicti contractus et huius carte alienacionis Tunc et in iis casibus et immediate post dictam molestacionem vel evictionem dictus Duncanus et eius sponsa eorumque alter diucius vivens et eorum heredes antedicti Habebunt plenum et liberum accessum et ingressum in et ad dictas terras et baroniam de Tullichmat et alia prescripta datas et concessas in securitatem et warrantum vt prefertur et in et ad proprietatem et possessionem eiusdem Possidendas et gaudendas per dictum Duncanum et sponsam eius et eorum predictos omni tempore affuturo simili modo et adeo libere in omnibus respectibus vti potuerunt possidisse prefatas terras principaliter alienatas ante dictam molestacionem et evictionem Tenendas et habendas Totas et integras predictas terras dominicales de Garth orientalem dimedietatem terrarum de Boirdland de Forthirgill Tredecem et quatuor denariatas terrarum de Tomnacroich et terras de Ardehraschast cum lie scheillingis de Ritomnicruik de Craigwaid cum omnibus et singulis aliis lie gressingis scheillingis piscacionibus et aliis predictis et piscacionibus salmonum et aliarum piscium lie outsettis partibus pendiculis et pertinentiis dictarum terrarum vt prefertur

jacentes et etiam totas et integras terras vocatas lie hauch de Tullimat cum domibus
 edificiis gressingis scheillingis piscacionibus et aliis predictis vt premittitur jacentes in
 feodo et hereditate tamquam pro principalibus Necnon omnes et singulas terras et
 baroniam de Tullichmat cum molendinis et terris molendinariis piscacionibus super aquam
 de lie Tay silvis nemoribus lie gressingis scheillingis et omnibus aliis partibus pendiculis
 et pertinenciis dicte baronie de Tullichmat jacentes infra dictum dominium de Atholl et
 dictum vicecomitatum de Perth in warrantum et securitatem vt prefertur alienatas dicto
 Duncano Menzeis et dicte Marie Campbell eius sponse in coniuncta infeodacione et eorum
 alteri diucius viventi et heredibus inter ipsos legitime procreatis seu procreandis quibus
 deficientibus heredibus et assignatis dicti Duncani quibuscunque de me heredibus et
 successoribus meis De Supremo Domino Nostro Rege et suis successoribus meis immediatis
 superioribus earundem terrarum in feodo et hereditate et libera alba firma imperpetuum
 Per omnes rectas metas suas antiquas et divisas prout jacent in longitudine et latitudine
 In domibus edificiis boscis planis moris marresiis viis semitis aquis stagnis rivolis pratis
 pascuis et pasturis molendinis multuris et eorum sequelis aucupacionibus venacionibus
 piscacionibus petariis turbariis carbonibus carbonariis cuniculis cuniculariis columbis
 columbariis pomis pomeriis fabrilibus brasinis brueriis et genestis silvis nemoribus et
 virgultis lignis tignis lapicidiis lapide et calce cum curiis et earum exitibus herezeldis
 bludewitis et mulierum merchetis cum communi pastura libero introitu et exitu ac cum
 aliis omnibus et singulis libertatibus commoditatibus proficuis asiamentis et iustis suis
 pertinenciis quibuscunque tam non nominatis quam nominatis tam subtus terra quam
 supra terram procul et prope ad predictas terras cum pertinenciis earundem spectantibus
 seu inste spectare valentibus quomodolibet in futurum libere quiete plenarie integre
 honorifice bene et in pace sine aliquo impedimento revocacione contradiccione aut
 obstaculo quocunque Reddendo inde annuatim dictus Duncanus Menzeis et Maria
 Campbell eius sponsa et eorum diucius vivens heredesque inter ipsos legitime procreati
 seu procreandi qui deficientes heredes et assignati dicti Duncani quibuscunque [sic] dicto
 Supremo Domino Nostro Regi et successoribus meis immediatis superioribus dictarum
 terrarum pro dictis terris dominicalibus de Garth orientali dimedietate de Boirdland de
 Forthirgill Tredecem solidatis et quatuor denariatis terrarum de Tomnacroich et terris de
 Ardchraschast cum lie scheillingis de Ritomnicruik et Craigwaid cum pertinenciis
 predictis Summam . . . [sic] monete predictae nomine feudifirme tantummodo
 Et pro dictis terris vocatis lie hauch de Tullimat vnum denarium super solo et fundo
 eiusdem ad festum Penthecostes nomine albe firme si petatur tantum Et si contigerit
 quod dicte terre principaliter alienate evicte fuerint Solvendo dicto Supremo Domino
 Nostro Regi et suis successoribus pro dictis terris et baronia de Tullimat et aliis supra-
 scriptis in warrantum et securitatem vt dictum est alienatas . . . [effaced] super solo
 et fundo dicte baronie vel aliqua earundem parte nomine albe firme si petatur tantum
 cum observatione omnium restrictionum et conditionum si aliquae sint in meis et pre-
 dicessoribus vel authoribus meis antiquis et originalibus infeofamentis predictarum terrarum
 specificatorum et contentorum pro omni alio onere exactione questione demanda seu
 servitio seculari que de predictis terris cum pertinenciis per quoscunque iuste exigi
 poterint quomodolibet vel requiri Et ego vero dictus Willelmus Comes de Tullibardin
 dominus de Gask etc. heredes mei et assignati Totas et integras terras dominicales de
 Garth orientalem dimidietatem terrarum de Boirdland de Forthirgill Tredecem et quatuor
 denariatas terrarum de Tomnacroich et terras de Ardchraschast cum lie scheillingis de
 Ritomnicruik et Craigwaid cum omnibus et singulis aliis lie gressingis scheillingis pesca-
 cionibus salmionum et aliis predictis Et etiam totas et integras terras vocatas lie hauch
 de Tullimat cum domibus edificiis et pertinenciis earundem supraspecificatis omnes
 jacentes vt premittitur tamquam pro principalibus Necnon omnes et singulas terras et
 baroniam de Tullichmat cum molendino terris molendinariis piscacionibus super aquam
 de Tay silvis nemoribus lie gressingis scheillingis et omnibus aliis partibus pendiculis et
 pertinenciis dicte baronie vt prefertur jacentes, in speciale warrantum concessas et
 alienatas Predicto Duncano et sue sponse eorumque alteri diucius viventi in coniuncta

infeodatione et heredibus inter ipsos legitime procreatis seu procreandis quibus deficientibus heredibus et assignatis dicti Duncani quibuscunque hereditarie ab omnibus wardis releviis nonintroitibus heredum dominarum terciis vsualibus aut annuis redditibus prioribus allienacionibus privatis et publicis sasinis assedacionibus assignacionibus resignacionibus interdictionibus inhibitionibus evictionibus reductionibus forisfacturis diselamacionibus purpresturis preteritis fendifirmis et preteritis taxationibus namacionibus et appretiacionibus Et generaliter ab omnibus et singulis factis periculis accidentibus vel inconvenientibus quibuscunque tam non nominatis quam nominatis preteritis presentibus quam futuris Sub reversione tamen diete summe octo mille mercarum et sub reservationibus in dicto contractu specificatis et secundum tenorem eiusdem et non alias aliter neque alio modo contra omnes mortales warrantizabimus aequietabimus et imperpetuum defendemus Insuper dilectis nostris . . . et vestrum cuilibet coniunctim et divisim ballivis meis in hac parte specialiter constitutis Vobis et vestrum cuilibet precipimus et mandamus quatenus visis presentibus indilate statum sasinam hereditariam pariter et possessionem corporalem actualement et realem Totarum et integrarum predictarum terrarum dominicalium de Garth et orientalis dimedietatis terrarum de Boirdland de Forthirgill Tredecem et quatuor denariatarum terrarum de Tomnacroich et terrarum de Ardehraschast cum lie scheillingis de Ritomnienuik et Craigwaid cum omnibus et singulis et gressingis piscationibus salmonum et ceteris pertinentiis predictis Et etiam Totarum et integrarum vocatarum lie hauch de Tullimat cum domibus edificis et pertinentiis earundem tamquam pro principalibus Neenon omnium et singularum terrarum et baronic de Tullichmat cum molendino terris molendinariis piscationibus super aquam de Tay domibus edificis et pertinentiis partibus et pendiculis earundem in speciale warrantum vt prefertur alienatarum dictis Duncano Menzeis et Marie Campbell eius sponse in coniuncta infeodacione et eorum alteri diucius viventi vel suis certis actornatis latoribus preseneium Per terre et lapidis fundi dictarum terrarum respectiue supramentionatarum vt moris est traditionem et deliberationem secundum formam et tenorem suprascripte carte mee iuste haberi faciatis tradatis et deliberatis [sic] Et hoc nullo modo omittatis ad quod faciendum Vobis et vestrum cuilibet coniunctim et divisim ballivis meis in hac parte specialiter constitutis meam plenariam et irrevocabilem tenore preseneium committo potestatem In cuius Rei testimonium huic presenti carte mee (ex chirographo Jacobi Aitkin servitoris Joannis Young scribe et clerici principalis vicecomitatus de Edinburgh) manu mea subscripte sigillum meum proprium est appensum Apud Edinburgum decimo sexto die mensis Decembris anno Domini millesimo sexcentesimo et decimo quinto Coram his testibus Roberto Murray meo fratre Magistro Joanne Murray et Aubino Murray meis servitoribus Joanne Bell servitore dicti Duncani et dicto Jacobo Aitkin.

TULLIBARDINE.
ROBERT MURRAY Witnes.
JOHNE BELL Witnes.
JA. AITKYNE Witnes.

NOTES OF SASINES relating to the Mains and Castle of Garth.

Sasine by the hands of Archibald Menzies in Garth, bailiff for William Earl of Tullibardin, and on charter granted by the latter, to Sir Alexander Menzies of that ilk, knight, and Marjory Campbell, his spouse, in conjunct fee, and to the heirs of the said Sir Alexander, of the Mains of Garth, with the castle thereof, etc. The charter is dated 5th July 1617, and the sasine is given 1st May 1618.

Part. Reg.
of Seisins,
Perth.

There follows a sasine of same date on charter by Sir Alexander Menzies and Lady Marjory Campbell, his spouse, to Robert Menzies, their fourth son, of the said Mains of Garth, castle, etc. Charter is dated 14th July 1617.

DEEDS RELATING TO JAMES STEWART OF WESTER CLUNY, AND
MISCELLANEOUS DOCUMENTS.

SASINE to JAMES STEWART, Fear of Wester Cluny, of the portion of Gavell Moir therein described.

Dated 16th Nov. 1633 ; registered 8th Jan. 1634.

Part. Reg.
Seisins,
Perth, Vol.
vi. fol. 468.

Apud Perth octauo Januarii 1634. Quhilk day the seasing following presentit be Alexander Robertsons of Lud is insert and registrat on the 468 and 469 leaves of the sext volum of the publict register of seasingis etc. within the schireffdome of Perth conforme to the act of Parliament Quhairof the tenor followis In Dei nomine amen per hoc presens publicum instrumentum cunctis pateat evidenter et sit notum quod anno Incarnacionis dominice 1633 mensis vero Novembris die decimo sexto regnique S. D. N. Caroli magne Britannie francie et hybernie regis defensoris fidei anno nono In mei notarii publici et testium infrascriptorum presencia personaliter constitutus discretus Juvenis Jacobus Stewart feodatarius de Wester Clune habens et tenens in suis manibus quamdam cartam alienacionis sibi per Fergusium Fergusson de Belledmond, de et super tota et integra illa parte de Gaevell moir de Balledmond proxime adiacente prato eiusdem de presente per Alexandrum Fergusson filium Finlai Fergusson alias Coupar occupata estimata ad quadraginta denariatas terre cum domibus et edificiis per dictum Alexandrum occupatis et cum particula et portione dicti prati similiter per eum occupata ac cum omnibus aliis et singulis domibus edificiis hortis toftis croftis lie girsingis schealingis loningis partibus pendiculis et pertinentiis huiusmodi quibuscunque dicto Fergusio Fergusson iure hereditario incumbentibus Jacentibus infra tenandriam de Logieraitt et vicecomitatum de Perth factam et concessam prout in dicta carta preceptum sasine in fine continente pergameno scripta et subscripcione manuali dicti Fergusii subscripta et roborata latius continetur Accessit prenomminatus Jacobus Stewart ad personalem presenciam discreti viri Finlai Fergusson alias Gow fabri ferrarii in Muling balliui in hac parte dicti Fergusii Fergusson in dicto precepto specificati atque eidem balliuo dictam cartam exhibuit et presentavit eundem requirendo quatenus dictum preceptum in eadem contentum debite executioni demandaret Quiquidem ballivus dictam cartam reverentia qua decuit de eius manibus ad se recipiens mihi notario publico subscripto vt eiusdem et dicti precepti sensum et effectum astantibus exponerem tradidit Cuius precepti tenor talis sequitur Insuper dilectis meis Finlaio Fergusson alias Gow et vestrum cuilibet coniunctim et diuisim balliuis meis in hac parte specialiter constitutis precipio et firmiter mando quatenus visis presentibus indilate Statum sasinam hereditariam pariter et possessionem corporalem actualem et realem totius et integre dicte partis de Gawell moir in Balledmond proxime adiacentis prato eiusdem de presente per dictum Alexandrum Fergusson occupate estimate ad quadraginta denariatas terre cum domibus edificiis et particula dicti prati per dictum Alexandrum occupate ac cum omnibus aliis et singulis domibus edificiis hortis toftis croftis lie girsingis shealingis partibus pendiculis et pertinentiis huiusmodi quibuscunque Jacentis vt supra dicto Jacobo Stewart pro se heredibus suis et assignatis antedictis vel suo certo actornato seu procuratori presentium latori per terre et lapidis fundi huiusmodi terrarum traditionem in forma iuris solita secundum tenorem presentis carte mee desuper confecte tradatis deliberetis et iuste haberi faciatis Et hoc nullo modo omittatis ad quod faciendum Vobis et vestrum cuilibet coniunctim et diuisim ballivis meis in hac parte antedictis meam plenariam et irrevocabilem tenore presentium committo potestatem In cuius rei testimonium presentibus per magistrum Duncanum M'elagane notarium in Atholia scriptis ac manu mea prout sequitur subscriptis Sigillum meum proprium est appensum Apud Blair in Athoill vigesimo tercio die mensis octobris anno Domini Jm vj^e trigesimo tercio Coram his testibus Mr Waltero Stewart ministro Dei verbi apud ecclesiam de Blair in Athoill Joanne Stewart de Scheirglas Malcolm Stewart eius filio Joanne Campbell filio Archibaldi Campbell de Lagvinscheath et nobis Magistro Duncano M'elagane et Jacobo Morgoun notariis in premissis rogatus et requisitus Sic Subscribitur Fergus Fergusson

foirsaid with my hand led at the pen of the notar vndervrittin at my command becaus I can not wrett Itā est Magister Duncanus M'clagan notarius publicus admissus premissa subscribere de mandato dicti Fergusii Fergusson scribere nescientis vt asseruit teste manu propria Ita est Jacobus Morgoun connotarius in premissis de mandato dicti Fergusii Fergusson scribere nescientis vt asseruit teste manu propria Mr Walter Stewart witnes John Stewart witnes Malcolme Stewart witnes John Campbell witnes Post cuiusquidem carte et precepti presentationem receptionem et in vulgarem astantibus expositionem dictus Finlaidus Fergusson Balliuus debita cum instancia vt preuittitur requisitus onus eiusdem officii balliuatus in se recipiens ac dictum preceptum iuste executioni demandari accessit cum prenominato Jacobo Stewart ad fundum dictarum terrarum de Gavell moir Et ibidem Statum Sasinam hereditariam pariter et possessionem corporalem actualem et realem Totius et integre illius partis de Gavell moir de Belledmond proxime adiacentis prato eiusdem cum dicta particula dicti prati estimate ad quadraginta denariatas terrarum cum domibus edificiis hortis toftis croftis lie girsingis shealingis louningis partibus pendiculis et pertinentiis memorato Jacobo Stewart pro se heredibus suis et assignatis vel suo certo actornato seu procuratori presentium latori Per terre et lapidis fundi dictarum terrarum vt moris est traditionem in forma iuris solita Secundum tenorem dicte carte et precepti desuper confecte nemine impediēte contulit tradidit et deliberauit Ordinando quoque hoc presens publicum instrumentum iuxta tenorem acti parlamenti rite registrandum Super quibus omnibus et singulis dictus Jacobus Stewart vnum siue plura publica instrumenta A me notario publico subscripto sibi fieri peciit Acta erant hec super solum dictarum terrarum horam circiter duodecimam Sub anno Domini regis regno et mensis die quibus supra Presentibus ibidem Finlaido Fergusson alias Couper in Muling Alexandro Fergusson ibidem et Joanne Dow M'glaschen ibidem ac me notario publico subscripto Testibus in premissis rogatis et requisitis Sic Subscribitur, Et ego vero Magister Duncanus M'clagane clericus Dunkeldensis diocesis auctoritate regali notarius publicus ac per dominos consilii secundum tenorem acti parlamenti admissus etc. manu mea fideliter scriptum etc.

D. M'CLAGANE notarius.

SASINE to JAMES STEWART, second son of Alexander Stewart of Bonskeid, of the Lands of Wester Cluny.

Dated 31st May, and Registered 24th June, 1625.

Part. Reg.
Seisins,
Perth,
Vol. i. fol.
222.

Apud Perth vigesimo quarto die mensis Junii anno Domini millesimo Sexcentesimo vigesimo quinto. Qubilk day the Instrumēt of seasing vnderwreatin presentit John Carmichell Seruitour to Alex^r Stewart of Bonskeid is insert and registrat on the 222 and 223 leawis of the Publick Register of Seasings within the Schirefdome of Perth, conforme to the act of Parliament.

In Dei nomine amen per hoc presens publicum instrumentum cunctis pateat evidenter et sit notum quod anno Incarnacionis dominice millesimo sexcentesimo vigesimo quinto mensis vero Maii die vltimo Regnique S. D. N. Caroli magne Brittanie francie et hybernice regis defensoris fidei eius anno primo In mei notarii publici et testium infra-scriptorum presencia personaliter constitutus prole indolis iuuenis Jacobus Stewart filius legitimus secundo genitus honorabilis viri Alexandri Stewart de Bonskeid habens et tenens in suis manibus quandam cartam alienacionis concessionis et dispositionis per dictum Alexandrum Stewart suum patrem factam et concessam dicto Jacobo Stewart heredibus suis et assignatis quibuscunque hereditarie et irredimabiliter absque reuersione redemptione aut regressu De et super totis et integris terris triginta solidatarum terrarum de Wester Cluny cum siluis quercuis aliisque siluis quibuscunque super bondis huiusmodi crescentibus Ac cum salmonum piscationibus super aqua de Tymell piscariis super lie Lyne de Tymell vnacum pratis aliisque singulis siluis piscationibus tuguriis lie girsings scheallings outseatts domibus edificiis hortis toftis croftis partibus pendiculis et pertinentiis quibuscunque ad dictas triginta solidatas terrarum de Wester Clunie sibi dicto Alexandro Stewart iure hereditario incumbentes Jacentes in tenendria de Logyraitt per annexationem et infra vicecomitatum de Perth atque etiam cum tenentibus tenandriis

et libere tenentium seruitiis Reseruando preter et extra dictum dispositionem dicto Alexandro Stewart heredibus suis piscacionem salmonum et aliam piscacionem quamcunque super lie lyne de Tymell et super aqua de Tymell ex occidentali parte qua riuus de Garrie intractus in aquam seu fluuium de Tymell ac cum libero accessu et regressu ad dictam piscacionem super dictis terris de Cluny per longitudinem quadraginta pedum a ripa dicte aque seu fluuii de Tymell atque etiam reseruando dicto Alexandro Margarete Robertsoum eius sponse eorumque alteri diucius viuenti eorum vitali redditu siue vsu omnium et singularum prefatarum triginta solidatarum terrarum de Wester Clunie cum piscacionibus aliisque suprascriptis prout in dicta carta sasine preceptum in fine continente programeno scripta ac subscriptione manuali dicti Alexandri Stewart de Bonskeid subscripta et roborata latius continetur Accessit prefatus Jacobus Stewart ad personalem presentiam Joanne Dow M'Robbie in Cluny ballini in hac parte dicti Alexandri Stewart in dicto precepto specificati eundem ad effectum debite constituti atque eidem balliuo dictam chartam exhibuit et presentauit eundem requirendo quatenus dictum preceptum in eadem contentum debite executioni demandaret Quiquidem balliuus dictam chartam reuerencia qua decuit de eius manibus recipiens mihi notario publico subscripto vt eiusdem et dicti precepti sensum et effectum astantibus exponerem tradidit cuius precepti tenor talis sequitur Insuper dilectis meis Joanne Dow M'Robbie in Cluny Et vestrum cuilibet coniunctim et diuisim balliuis meis in hac parte specialiter constitutis precipio et firmiter mando quatenus visis presentibus indilate statum sasinam hereditariam pariter et possessionem corporalem actuaalem et realem totarum et integrarum predictarum triginta solidatarum terrarum de Wester Cluny cum siluis quercus aliisque siluis quibuscunque super bondis huiusmodi crescentibus cum salmonum piscariis super aqua et Lyn de Tymell (piscariis super lie lyn de Tymell exceptis) vnacum pratis aliisque omnibus et singulis siluis piscacionibus tuguriis lie girsings scheallings outseattis domibus edificiis hortis toftis croftis partibus pendiculis et pertinentiis quibuscunque ad dictas triginta solidatas terrarum de Wester Cluny spectantibus Atque etiam cum tenentibus tenandriis et libere tenentium seruitiis Reseruando preter et extra hanc dispositionem mihi heredibus meis piscacionem salmonum et aliam piscacionem quamcunque super lie Lyn de Tymell et super aqua de Tymell ex occidentali parte qua riuus de Garrie intrat in aquam seu fluuium de Tymell ac cum libero accessu et regressu ad dictam piscacionem super dictis terris de Cluny per longitudinem quadraginta pedum a ripa dicte aque seu fluuii de Tymell Atque etiam reseruando mihi et Margarete Robertsoum mee sponse nostrumque alteri diucius viuenti vestrum vitali redditu siue vsu omnium et singularum triginta solidatarum terrarum de Wester Cluny cum siluis piscacionibus aliisque suprascriptis sepefato Jacobo Stewart vel suo certo actornato seu procuratori presencium latori pro se heredibus suis et assignatis antedictis per terre et lapidis fundi eiusdem modi vt moris est traditionem in forma iuris solita secundum tenorem presentis carte mee desuper confecte tradatis deliberetis et iuste haberi faciatis Et hoc nullo modo omittatis Ad quod faciendum vobis et vestrum cuilibet coniunctim et diuisim balliuis mitto potestatem In cuius rei testimonium (presentibus per magistrum Walterum Stewart ministrum de Blair in Atholl) scriptis ac manu mea subscriptis Sigillum meum proprium est appensum Apud Blair in Atholl vigesimo nono die mensis Maii anno Domini millesimo sexcentesimo vigesimo quinto Coram his testibus magistro Waltero Stewart ministro de Blair in Atholl Alexandro Stewart de Croft crombie Joanne Carmichell ludi magistro in Bonskeid et magistro Duncano M'clagan notario in Blair in Atholl Sic Subscribitur Alexander Stewart of Bonskeid with my hand M^r Walter Stewart witnes, Alex^r Stewart witnes, Johne Carmichell witnes, M^r Duncane M'clagan Nottar witnes, Post Cuiusquidem carte et precepte presentationem receptionem et in vulgarem astantibus expositionem dictus Joannes Dow M'robbie balliuus debita cum instancia vt premittitur requisitus onus eiusdem officii ballivatus in se suscipiens ad dictum preceptum iuste volens executioni demandare accessit cum prenominato Jacobo Stewart ad fundum dictarum terrarum ac ibidem statum sasinam hereditariam pariter et possessionem corpora-

lem actualem et realem totarum et integrarum predictarum triginta solidatarum terrarum de Wester Cluny cum siluis quercuus aliisque siluis quibuscunque super bondis huiusmodi crescentibus cum salmonum piscariis super aqua et lie lyn de tymell vnacum pratis aliisque omnibus et singulis siluis piscationibus tuguriis lie girsings scheallings outsettis domibus edificiis hortis toftis croftis partibus pendiculis et pertinentiis quibuscunque ad dictas triginta solidatas terrarum de Wester Cluny spectantibus atque etiam cum tenentibus tenandriis et libere tenentium seruitiis reservando vt premittitur dicto Jacobo Stewart presenti et acceptanti pro se heredibus suis et assignatis antedictis per terre et lapidis fundi dictarum terrarum vt moris est traditionem in forma iuris solita Secundum tenorem dicte charte desuper confecte nemine impediante contulit tradidit et deliberavit Ordinando quoque hoc presens publicum instrumentum in libris registri Secundum tenorem acti parlamenti rite registrandum Super quibus omnibus et singulis dictus Jacobus Stewart sibi fieri peccit vnum seu plura publica instrumenta Acta erant hec super solum dictarum terrarum horam circiter duodecimam sub anno Domini regis regnis et mensis die quibus supra Presentibus ibidem Roberto Cuniesoun medico Roberto M'allester comes Talzibrochane Joanne Carmichell Ludi magistro in Bonskeid Guilielmo M'coull portatorie Apud Innergarrie et me dicto Magistro Duncan M'elagan notario publico subscripto Testibus ad premissa vocatis et requisitis Sic Subscribitur, Et ego vero Magister Duncan M'elagan clericus Dunkeldensis diocesis auctoritate regali notarius publicus ac per dominos Consilii Secundum tenorem acti parlamenti admissus Quia premissis omnibus et singulis dum sic vt premittitur agerentur dicerentur et fierent vnacum prefatis testibus presens personaliter interfui Eaque omnia et singula sic fieri vidi sciui audiui ac in notam cepi Ideoque hoc presens publicum instrumentum exindi confeci Signoque nomine et cognomine meis solitis et consuetis signavi et subscripsi in fidem et testimonium omnium et singulorum premissorum rogatus et requisitus. Sic Subscribitur.

MR DUNCAN M'CLAGAN.

RECEIPT by the Minister of Dull to MARGARET ROBERTSON, relict of Alexander Stewart of Bonskeid, for certain dues. 26th November 1629.

Bonskeid
Charters.

I Mr Johne Cunison minister att Dowll and viccar off ye parochie yairoff grant me to have receaved from Margrat Ro'sone Lyfrenter off bonskeid fowrtie Schillingis money Scottish as the viccarage dewtty off bonskeid for the cropt and zear off god J^m vje twentie-nyne zearis conforme to ane tak off the qlk. fowrtie S. money for the cawse and cropt foirsaid and for all other zearis preceeding I discharge the said margrat and all other quhom it effeiris be this my acquittance written and subseriuit with myne hand att bonskeid the 26 day off Novembris 1629 zearis.

MR. J. CUNISON with my hand.

ACKNOWLEDGMENT OF RECEIPT by CAPTAIN STEWART of 2 soldiers armed and equipped by JOHN STEWART of Bonskeid. 14th June 1646.

Ibid.

I Captine Johne Stewart grantis me ressavit from Johne Stewart of bounskeid tua sufficient souldieris weill airmit in wapines and all necessaris and also grantis me ressavit Leavie and transport monies conforme to the act of Parliament be this my tickit of resett subscriuit with my hand at mulzeing [viz. Moulin] the fourtein day of Junii J^m vje fourtie-sex zeires.

CAP. JOHNE STEWART.

Part. Reg.
Seisins,
Perth, Vol.
v.

SASINE in favour of JAMES STEWART of Cluny, and BARBARA MENZIES, his wife, of the Lands of Balnagaird.
Dated 11th and registered 16th August 1659.

In the name of God amen Be it knowne to all and sundrie be this present publict instrument that in the yeir of the Incarnacione of our Lord J^m vj^e and fiftie-nyne in the moneth of August wpon the Elevint day quhairof In presens of me notar publict and witnessis wnderwrittin Compeired personallie ane discreit man John M'Duff in Belnagaird baillie in that pairt specialie constitute of Alexander Menzeis of Combries and Duncan Menzeis his sone and air appeirand quho past to the ground of the Landis of Belnagaird myln miln landis and vthiris therof eftir-specifeit with James Steuart of Cluney and Barbara Menzies his spous and thair the saids James Steuart personalie present presented to the said baillie ane Chartour made grantit and subscriybit be the said Alexander Menzeis, Duncan Menzeis his said sone with advyce consent and assent of Beatrix Campbell spous to the said Alexander and of Walter Ewine servitour to John Simple wretter in Ediuburgh for aither of thair rights at lenth mentioned in the said Chartour to the said John M'Duff baillie fairsaid Be vertew quhairof and for payment made be the said James Steuart and his said spous off the soumes of money specifeit in the contract of alienatione quhairvpon the said Chartour proceidit, and thankfullie payet to the said Alexander Menzies and Duncan Menzies his said sone conforme to the saidis securities and infeftments past betuix both the saids parties. The saids Alexander Menzies and his said sone be the tenour thair of Band and obliet them thair aires and successoris with consent fairsaid to dulia and sufficientlie infest and sase the said James Steuart his aires and assigneyis quhatsumever heretablie vndir reuersione, In all and hail the tua of the four quarters of the toun and landis of Belnagard with houssis biggings yeards toftis crofts grassings shellings moissis muires mynes comone pasturage and pertinentis quhatsumever pertineing therto and with libertie of loneing vpon the landis of Belnavart for putting the gudes catell and bestiall to and fra the mounth, and with libertie to carie home fewill feall and deviot throw the saidis lands of Belnavert not wronging thair cornes nor casting within thair head dykes presentlie octupied and possest be And siclyk in all and hail the just and equall half off all and hail the corne milne of Belnagaird with the equall ane half of the mylne landis thair off multuris and sequellis of the samen And of the houssis biggings yeardis tofts crofts pasturages and privelegis pertinentis pertaineing thairto as the samen was occupied and possest be Alexander M'Lauren lyand vithin the and shirrefdome of Perth And siclyk be vertue of the said infestment and securities abone specifeit they band and obleist thaim and thair fairsaidis with consent abonewrittin to dewlie and sufficientlie infest and sase the said James Stewart Barbara Menzies his spous the longer liuer of thaim tuo in conjunct fie, and the aires lauchfullie gottine or to be goten betuix thaim, Quilks failleing the aires and assigneyis of the said James Steuart quhatsumever heretablie vndir reuersione as said is in all and hail the tua vthir of the four quarteris of the said tonne and landis of Belnagaird with houssis biggings yeardis tofts crofts grassings schellings moissis mures comonties pasturages and pertinentis quhatsumever pertineing thairto and with libertie of loaning vpon the landis of Belnavert for putting thair goods catell and bestiall to and fra the mounth and with libertie to carie home fewall feill and deviotis throw the saidis lands of Belnavert not wronging thair cornes nor casting within thair head dykes presentlie [occupied] be and thair cotts occupied and possest And siclyk in all and hail the jwst and equall vthir ane half of all and hail the said corne milne of Belnagaird with the equall vthir ane half of the myln landis thair off multures and sequellis of the samen houssis biggings yeards tofts crofts pasturaiges privelegis and pertinentis pertineing thairto as the samen wes occupied and possest be the said deceist Alexander M'Lauren lyand vithin and sherriffdome fairsaid of Perth Reserveand and exceptand furth hei of the lettre of reuersione mentionat in the said contract compitent to the said Alexander Menzies and Duncan Menzeis his sone

for redemptiōne of the landis myln and vtheris generallie and particularie abonewrittin specifeit in the said contract be payment of the soumes of money thairin conteinit in maner and be devisiōne thairin at lenth mentionat conforme to the tenour of the said contract in all poynts. And siclyk exceptand and reserveand furth heirof the tackis sett be Alexander and Duncan Mengzeissis vpon the saidis lands and miln or anie partt or portione thairto to the present tenentis and occupiers of the saids landis miln and vtheris abonedesignit with the pertinents for payment of the duties keanis customes and casualities at lenth mentionat in the saidis tackis as in the foirsaid infeftment of the daitt At Dunkeld and the twentie-tua and dayes of Junij and the yeir of God J^m vj^e and fiftie-nyne yeiris in itself at length bearis Quhilk Chartor and infeftment the abovenamed baillie haveing receiued and delivrit the samen to me notar publict to be red: Eftir the reding and explaneing of the said Charter and precept of Sasine thairincontinet, the said John McDuff baillie foirsaid being most willing to discharge the dewtie and office of bailliarie comittit to him be vertue of the said Charter and precept of Sasine, Gave state sasine reall actnall and corporall possessiōne off all and haill the tua of the abonewrittin four quarters of the said toune and landis of Belnagaird with houssis biggingis yards tofts crofts and haill pertinentis comontie pasturage libertie and haill privileges particularie abovespecifeit. And also of all and haill the just and equall halff off the myln landis therof multures and the equall half of the corne milne of Belnagaird multuris and sequellis of the samen houssis biggings yards tofts crofts privelegis and pertinents pertineing thairto lyand and occupied as said is to the said James Steuart be delyverance to him of earth and stane of the saids landis and myln clap of the said milne. And siclyk gave state sasine real actual and corporall possessione to the said James Steuart Barbara Menzies his spous, the langer liver of thaim tuo in conjunct fie, and the aires lauchfullie gottine or to be gotten betuix them Quhilkis failzieing the aires and assigneyis of the said James Steuart quhatsumevir off all and haill the tua vthir of the four quarters of the said toune and landis of Belnagaird with houssis biggings yards tofts crofts comontie pasturage libertie and haill privilegis particularly and generallie abonespecifeit And in lyk maner of all and haill the vthir just and equall half of the said haill corn milne of Belnagaird with the equal half of the myln landis thairto multurs and sequellis of the samen houssis biggings yerdis tofts crofts privelegis and pertinents pertaineing thairto lyand and occupied as is abonewrittin, To the said James Stewart and to the said Barbara Menzies his spous by delyverance to ilk ane of them of earth and stane of the saids landis and milne clap of the said myln in form of law as vse is, who wer both personalie present and received the samen vpon the grund of the saidis lands and within the miln dor of the said miln without impediment or contradiciōne quhatsumever conforme to the tenour of the said Chartour and precept of Sasine thairin specifeit (Exceptand and reservand as is abone-exceptit and reservit) Upon the quhilks all and sundrie the premissis the saids James Stewart and Barbra Menzeis his spous askit and tuke instruments ane or mac in the handis of me notar publict under-subscriband. Thir things wer done vpon the grund of the saids landis and within the said myln about ten houris befor noon or therby day moneth and yeir of God abonewrittin. Present thair John M^cStenye in Dalguis John M^cNair in Balnagaird John Frisar miller thair Frances Scott servitour to John McDuff baillie foirsaid witnessis and me Thomas Fyfe notar publict callit and requyred to the premisses sa it is sub^t and I fforsuith Thomas Fyfe etc. as at lenth on the 16 leif.

SASINE to ALEXANDER STEWART, eldest son of James Stewart of Wester Cluny, and CATHERINE CAMPBELL, his future spouse, of the Lands of Wester Cluny. Dated 3rd and registered 22nd July 1667.

Part. Reg.
Seisins,
Perth, Vol.
iii. fol. 424b.

At Perth the tuentie-tua day of Julii 1667. The underwreittine Saisine is insert and registrat in this thrid volume of the new Register of Saisines etc. within the Schyrefdome of Perth quhairof the tenour folloues In Dei nomine Amen per hoc presens publicum instrumentum cunctis pateat evidenter et sit notum quod tercio die mensis Julii millesimo

sexcentesimo sexagesimo septimo Regniue S. D. N. Caroli Secundi Dei gracia magne britannie francie et hibernie regis fideique defensoris anno decimo nono In mei notarii publici et testium subscriptorum presencia personaliter comparuit Jacobus Stewart de Wester Cluney hereditarius proprietarius ejusdem terrarum cum pertinentiis subscriptis et accessit ad fundum dictarum terrarum cum Alexandro Stewart suo filio legitimo natu maximo ac cum magistro Roberto Campbell in Ravere actornato Catherine Campbell future sponse dicti Alexandri Stewart de cujus actornati mandato mihi notario publico lucide constabat et ibidem dictus Alexander Stewart habens et in manibus tenens quandam cartam preceptum sasine in se continentem per dictum Jacobum Stewart dicto Alexandro Stewart et Catherine Campbell ejus sponse future eorumque alteri diutius viventi in coniuncta infeodatione heredibusque inter ipsos legitime procreandis quibus deficientibus proximis heredibus masculis dicti Alexandri et assignatis quibuscunque hereditarie absque ulla reversione redemptione aut regressu factam datam et concessam de data apud Wester Cluney dicto tercio die Julii anno prescripto de et Super totas et integras triginta solidatas terrarum de Wester Cluney cum silvis quercuis et aliis silvis quibuscunque super bondas hujusmodi crescentibus ac cum salmonum piscationibus super aqua de Tymbell piscariis super lie Lynne de Tymbell vna cum pratis aliisque omnibus et singulis silvis piscationibus tuguriis lie grissings scheillings domibus edificiis hortis toftis croftis partibus pendiculis et pertinentiis Jacentes in tenandria de Logyraitt per annexationem in comitatu Atholie et vicecomitatum de Perth Atque etiam cum tenentibus tenandriis liberoque tenentium servitiis Reservando dicto Jacobo Stewart et Barbaree Menzies sue sponse eorum vitalibus redditibus sive usu omnium et singularum dimidietatis dictarum piscationum super dictam aquam de Tymbell sub provisionibus et conditionibus in dicta carta specificatis quamquidem cartam preceptum sasine in fine continentem prefatus Alexander Stewart produxit et mihi notario publico subscripto ad perlegendum et publicandum tradidit quod feci Post cujusquidem carte sasineque precepti in fine continentis perlectionem publicationem et expositionem prefatus Jacobus Stewart suis propriis manibus statum sasine hereditariam pariter et possessionem realem actualem et corporalem Totarum et integrarum triginta solidatarum terrarum de Wester Cluney cum silvis piscationibus partibus pendiculis et pertinentiis suprascriptis (Reservando ut supra reservatur) sepefato Alexandro Stewart pro seipso ac etiam dicto magistro Roberto Campbell actornato nomine dicte Cathrine Campbell per terre et lapidis fundi dictarum terrarum ut moris est traditionem secundum tenorem dicte carte sasineque precepti in eodem contenti dedit et deliberavit nemine impediante omnibus solemnitatibus que in tali negotio desiderantur absolutis et peractis Super quibus omnibus et singulis prefatus Alexander Stewart pro seipso ac dictus magister Robertus Campbell a me notario publico sibi fieri peciit instrumentum vnum aut plura Acta erant hec super fundum dictarum terrarum horam circiter quartam post meridiem sub anno die mense et regis regno quibus supra Presentibus ibidem Joanne Stewart de Foss ministro apud Logyraitt Jacobo Tais scriba in Dunkeld ac me Jacobo Morgone notario Testibus ad premissa vocatis sic subscribitur. Et ego vero Jacobus Morgone clericus Dunkeldensis diocesis auctoritate regali notarius publicus ac per dominos consilii secundum tenorem acti parlamenti admissus quia premissis omnibus et singulis dum sic ut premittitur dicerentur agerentur et fierent vna cum prenominatis Testibus presens personaliter interfui eaque omnia et singula sic fieri vidi scivi audivi ac in notam cepi Ideoque hoc presens publicum instrumentum manu aliena scriptum exinde confeci signoque nomine et cognomine signavi in fidem robur et testimonium veritatis omnium et singulorum premissorum rogatus.

J. MORGOUNE No. pub.

Part. Reg.
Seisins,
Perth, Vol.
xvi. Part i.

ABSTRACT OF SASINE to Mr. JAMES STEWART, Minister at Moulin, of the Lands of Wester Cluny.

Dated 23rd January 1710.

Instrument of Sasine proceeding on a charter by the deceased John Marquis of Atholl, to and in favour of "Mr James Stewart, minister at Muillione," therein designed "eldest lauffull son to Alexander Stewart of Cluny, . . . whereby he gave, granted, and

disponed to him and to the heirs-male lafullie to be procreat of his body; which faileing, his other heirs-male; which also faileing, his heirs or assignies whatsoever, . . . all and hail the lands of Wester Cluny, extending to a thirtie-shilling land, with the woods, . . . salmond fishings . . . upon the water of Tymell . . . and upon the Lin of Tymell, . . . with the houses, biggings, yeards, tofts, crofts," etc.; and "all and hail the lands of Neither Easter Tullipowrie, extending to a fyve-merk land," etc.; and "all and hail the lands of Fincastle, comprehending the lands of Cluny and Aldan, with the miln," etc. "Reserving to the said Alexander Steuart of Cluny his liferent right" of the said lands, as also reserving to Isobell Stewart, his spouse, her liferent right to those parts in which she is already infest. Dated at Perth the 23rd January 1710.

ABSTRACT OF SASINE to Mrs. BETTY CAMPBELL, wife of Mr. James Stewart, in a liferent annuity out of the Lands of Tullipouries. 23rd January 1710.

Part. Reg.
Seisins,
Perth, Vol.
xvi. Part i.

Instrument of Sasine proceeding on a contract of marriage past betwixt Mr. James Stewart, minister at Muillion, with consent of Alexander Stewart of Cluny, his father, on the one part, and "Mrs. Betty Campbell, second lawfull daughter of the deceist John Campbell of Montzie, with consent of Mr. Patrick Campbell now of Monzie, and Mr. Colline Campbell, minister of Gask, her bretheren," on the other part, in which contract the said Mr. James Stewart, with consent aforesaid, bound and obliged himself "to infest and sease the said Betty Campbell, his spouse, in liferent . . . in all and heall ane annuity of four hundred merks Scottis fre of all deities," "furth of all and heall the lands of Camoch, and . . . all and heall the lands of Neither Easter Tullipowrie, . . . the lands of Over Midle Tullipowrie, . . . the half of the milne of Easter Tullipowrie," etc., "lying within the parish of Loigierate, . . . and in speciale and reall warrandice of the said lands of Tullipowrie, . . . furth of all and heall the lands off Fincastle, comprehending the lands of Cluny and Aldan, . . . and shealing called Riecheall," etc. Dated at Perth, 23rd January 1710.

NOTE OF SASINE to ALEXANDER STEWART of Cluny, of the Lands of Cammock.

Ibid., Vol.
xvi. Part i.

Instrument of Sasine proceeding on a contract of feu between John Duke of Atholl and Alexander Steuart of Cluny, dated at Dunkeld, 19th December 1711, of all and hail the lands of Cammock. Mr. James Steuart, minister at Mouline, appears as procurator for the said Alexander Steuart, his father. Dated at Perth, 1st March 1712.

NOTE OF SASINE to Mr. JAMES STEWART, of the Lands of Tullipouries.

Ibid.

Instrument of Sasine proceeding on a disposition by John Stewart of Findynat in favour of Mr. James Stewart of Clunie, minister of the Gospel at Mouline, whereby he stands bound to infest and sease the said Mr. James Stewart, his heirs and assignees, heritably and irredeemably, without any manner of reversion, redemption, or regress whatsoever, in all and hail the lands of Middle Tulliepouries, Wester Inner of Tullipouries, with the half of the mill of Tullipourie. Dated at Perth, 16th January 1723.

NOTE OF SASINE to Mr. JAMES STEWART of Cluny, of the Lands of Wester Cluny and others. 1st Nov. 1744.

Ibid.
Vol. xxiv.

Instrument of Sasine proceeding on a charter of resignation by James Duke of Atholl, as superior, in favour of Mr. James Stewart of Cluny, whereby the said Duke for causes therein contained "upon the resignation of the procurator of the deceased Mr. James Stewart of Cluney, minister of the Gospell at Muling, father to the said Mr. James Stewart now of Cluny, gave, granted, alienated, disponed, and for ever confirmed to the said Mr. James Stewart now of Cluny, his heirs and assignees whatsoever, heretably and irredeemably, but with and under the reservations and burdens therein and after mentioned, all and hail the thirty-shilling land of Wester Cluny, etc., . . . the merk-land of Cammock, etc., . . . the town and lands of Cragandow and Drummachorry, being a

three-merks land, etc., . . . lyeing the saids hail lands within the parish of Moulin, regality of Atholl, and shire of Perth. Reserving always to Elizabeth Campbell, mother to the said Mr. James Stewart now of Cluny, and relict to the said Mr. James Stewart late of Cluny, her liferent use of so much of the said lands and others as she stands provided of and infeft in, conform to a bond of provision granted by her said spouse to her, and also the said Mr. James Stewart now of Cluny being burdened with all the deeds and debts heritable and movable of his said deceased father, and with the portions and provisions granted by him to his younger children, albeit upon deathbed and particularly the said Mr. James Stewart now of Cluny being burdened with the payment of so much of the debts contracted and of the provisions provided by the said Mr. James Stewart to his younger children prior to the disposition upon which the said resignation proceeded, as should not be satisfied and paid up by the said Mr. James Stewart, his wadsett lands and right of Pitcastle, which he had allocate for that purpose by a deed of the date 27th March 1731, to be holden by the said Mr. James Stewart now of Cluny, his heirs, etc., . . . for ever, for payment and performance" of the aforesaid burdens and provisions. Mr. James Stewart of Cluny appeared personally. James Robertson in Kinraigie is bailie. Dated at Perth, 1st November 1744.

NOTES FROM INVENTORY OF TITLES OF WESTER CLUNY,
PERTHSHIRE.

12th July 1673.—John Earl of Athol, as superior, grants a charter of confirmation to Alexander Stewart of Cluny of the lands of Cluny, proceeding on a charter and disposition granted by James Stewart of Cluny.

21st July 1709.—Alexander Stewart of Cluny grants a disposition of the lands to James Stewart, his eldest son.

29th December 1712.—The said Alexander Stewart conveys to the said James Stewart the merk-land of Camock, as disposed to him by John Duke of Athole, 19th December 1711.

13th March 1721.—John Duke of Athol grants a charter of confirmation of the disposition of Camock.

31st March 1731.—Mr. James Stewart of Cluny, minister of the Gospel at Moulin, conveys to James Stewart, his eldest son, the lands of Wester Cluny and Camock.

16th December 1743.—The Duke of Athol grants a charter of confirmation of the lands in favour of the last-mentioned James Stewart, proceeding on the disposition in last entry.

13th March 1764.—Mr. James Stewart of Wester Cluny, minister of the Gospel at Kilbrandon in Argyllshire, conveys to and in favour of Patrick Stewart, his brother-german, for the sum of £1320, 2s. 1d. the lands of Wester Cluny and Camock.

Note.—The lands of Drumchery and Craganden were disposed by James Stewart to John Stewart of Stronchareg, 8th December 1762.

12th October 1767.—Charter of confirmation is granted by the Duke of Athol, as superior, to the said Patrick Stewart, on the disposition by Mr. James Stewart.

It appears by a memorandum at the end of the inventory that the above title-deeds and others were found in the repositories of the said Patrick Stewart of Cluny, which were opened on the 9th January 1786, at the sight of Edmond Fergusson, factor on the sequestrated estate of Wester Cluny, in consequence of an act and warrant by the Court of Session in an action of sale of the lands at the instance of Mr. James Stewart of Kilbrandon, Argyllshire, brother and apparent heir of the said Patrick Stewart of Cluny,

and Mrs. Katherine Drummond, relict of the said Patrick Stewart, against the said Patrick Stewart's creditors.

It appears, also, that a decret of sale of the lands was given on 25th July 1786 in favour of Henry Butter of Pitlochry, on a summons of sale at the instance of Mr. James Stewart, minister of the Gospel at Kilbrandon, brother and apparent heir of the said deceased Patrick, against Mrs. Katherine Drummond, relict of the said Patrick Stewart, and others.

On pages 18 and 19 of the last-mentioned document the following sentence occurs: "The said Mr. James Stewart, and Mrs. Katherine Drummond, relict of the said deceased Patrick Stewart, gave in a petition to the whole Lords, showing that upon the death of Patrick Stewart of Clunie without issue, his widow became entitled to the life-rent of the whole heritable estate which belonged to him at the time of the decease, and the property of two-thirds thereof, while the remaining third falls to the other petitioner, Mr. James Stewart, his elder brother, as heir of conquest," etc.

NOTE of the Collation of Mr. ROBERT STEWART to the Church of Killin. 14th May 1679.

Edradynate
Charter-
Chest.

At Killin ye fourteen of May, ye year of God one thousand six hundredth and seventy-nine years, and of our sovereigne Lords Reigne the threttietth-and-one years.

Mr. Robert Stewart, present minister att Killin, having in his handes a letter off Collatione granted be William, by ye mercie of God Lord Bishop of Dunkeld, wⁱⁿ whose diocie the said kirk lyes, in favoures of ye said Mr. Robert Stewart, Be vertew of the qlk lres. of Colla^{no} conform to ye desire of the presenta^{no} yrin mentioned the Lord Bishop have admitted received and conferred lykeas His Lo. Be ye tenor of ye saides Lres. admittes receives and conferres ye said Mr. Ro^t Stewart to ye forsaid kirk heall locall and constant modified stipend yrof, all the days of his life, at least his serving of ye cure at ye said church as ye sd. Lres. of colla^{no} containing ane precept and warrant for giving institutione and instrument to ye said Mr. Robert in maner underw^{en}. DONALDUS ROBERTSONE, No. Pub.

(On Back) Instrument off institutione to Mr. Ro^t Stewart in ye Kirk off Killin, 1679.

To the Reverend Mr. GEORGE ROBERTSON
at Logierate.

REVEREND BROTHER,—As I am much afflicted from the great discouragements your Ibid.
congregation and flock is put under, so I cannot but greatly rejoice by finding them so stadfastly adhering to you and your ministrie, and (as I am informed) their being so well satisfied with your officiating among them. Wherefor seeing by the Divine Providence and the appointment of the Church such a worthy and well-principled people ar faln under your charge, I hop as you will apply yourself with all due care to feed them with all wholsom doctrin, goe befor them as a good example and patern of all manner of piety, so you will cleave closs by them with no less stadfastness than they have adhered to you, remembreing that no man putting his hand to the plough and looking back is fit for the kingdom of God. I pray God to bless your people, yourself, and your labours among them.—I am, sir, your very affectionat brother and servant,

ALEX^r. EDINBURGEN.

EDR., March 8, 1715.

To the Reverend Mr. GEORGE ROBINSON,
Minister of the Gospell att Logereat.

SCONE, March ye 25th, 1715.

REV. SIR,—I have seen yours to Mr. Gerard bearing date ye 29th of this month. It Ibid.

were great injustice not to acknowledge that you have done eminent service to the Church by preserving the meeting-house in Logereat, and I'm sensible you have lay'd a particular obligation on all the friends of it who are concerned in that parish. I have commenced a process for the patronage, which is still depending. As soon as my right is declar'd, you may assure yourself I will employ it for your encouragement; in the meantime I desire you may send to Mr. Gerard a particular account of the proportions of stipend that are pay'd by the several Heritours. I wish you all success in the good work you've engaged in, and am, rev. sir, your assured friend and servant,

STORMONT.

Edradynate
Charter-
Chest.

In pursuance of my Lord Mar, Commander-in-Chief of his Majesty's Forces in Scotland, his commands,—These are intimating to the tenants of Apin-Dull that they are to have a man well armed and clothed ready to march to Perth, or where the Royall army happens to be, and that out of each mark-land, making in all a hundred men, including those who are absent by the last action at Shirramoor. These are to be ready against Wednesday next at three in the afternoon, upon their perrill, and withdrawing my Lord Mar's protection from such as dissobey. At Weem the 24th August 1715.

ROBERTSON of Strowan.

(On Back) Intimation to Captain James Menzies of Counry, Robert Menzies, taylor to Weem, and the tenants, etc., of Apin-Dull.

By WILLIAM MARQUISS of TULLIBARDINE.

Ibid.

These are ordering and empowering you to preach every Lord's day, and other solemn occasions, in the church of Logyreat, and to exercise all the other parts of the ministerial function within that parish, as you'll be answerable at your peril; for doing of which this shall be to you a sufficient warrant. Given at Logyreat the 14th of December 1715 years.

TULLIBARDINE.

Mr. GEORGE ROBERTSON, Minister of the Gospel.



Seal.

From the
original in
Charter-
Chest at
Edradynate.

COMMISSION by the Vassals of the DUKE of ATHOLL to some of their number for the purpose of submitting to arbitration anent the money value of the "personal services" required in their several charters, etc.
Dated May 9, 1717.

Be it Knownen to all men by these presents Us undersubscribeing Vassells To his Grace John Duke of Atholl and after designed fforalsmuch as by a late statnte intituled ane Act ffor the more effectuall secureing the peace of the Highlands of Scotland It is enacted that ffrom and after the first day off August next and in all tyme thereafter the annuall valow of the services comonly called personall attendance Hosting hunting watching and warding due by vertue of any Charter Contract customes or agreement whatsoever shall be payed in money annuallie in place of them And ffor determining the said annuall valow theroff the persones to whom such services and attendance are due and these by whom they are payable are therby impowered each ffor themselves to agree mutuallie for the said annuall valow or by arbitratours chosen by ther mutuall consent And in caice they cannot agrie in maner fforsaid either parties are therby allowed to apply to the Lords off Session by Bill or petition to have the said annuall valow acertaind by them in maner more ffully contained in the said Act off Parliament And wee

being resolved to prosecute the good designs off the forsaid Act of Parliament so that as his Grace the Duke off Atholl may have a just anuall valow ffor the services comonly called personall attendance Hosting hunting watching and warding to which wee or any of us are lyable in our Charters. And that we may be freed of the saids services in tyme comeing according to the good intent and purpose of the fforsaid act And whereas to the end that these good designs of the forsaid act may be effectually prosecuted and attained and that in the maner directed therby wee have given full power warrand and Commission To Charles Stewart of Ballequhan James Menzies off Culdres Mr James Stewart of Kilichassie Mr Hary Balneaves off Edradour Robert ffileyming off Moness Gilbert Stewart off ffinncastle James Stewart off Urrart Alexander Robertson of East Straloch Thomas Stewart of Kinaird and Mr James Stewart off Cluny In which Commission they are impowered in our name to enter into a submission and subscribe the same to severall Gentlemen Arbitratours ffor us Provyding that these Arbitratouris to be named for us doe all agrie in one voice Otherwayes ther decision nocht to be binding on us And containeing a power to the said Arbitratouris in caice off variance To choise ane Oversman Provyding that the heall arbitratours ffor us doe agrie in the said choise And wheras it hes been represented to us by our said Trusties That his Grace the Dnke of Atholl hes refused a comuning befor they in our name enter into a Submission in the comon form Witt ye us being desyreous to bring the said affair to ane amicable agriement To have given full power warrand and Comission Lykeas wee by these presentis give full power warrand and Comission to our saids Trusties or major part of them To submitt the said affair To Collonell Alexander Campbell of ffinnak James Haliburtone off Petcur and Patrick Ogilvie off Balfour And in caice all of them accept if nocht to submitt the said affair To the said Collonell Alexander Campbell off ffinnak alone in the comon form with power to the saids Arbitratouris in caice of variance mutuale to chose ane Oversman with any three Arbitratours that shall be named by his Grace as also the lyke power to the said Collonell Campbell with any one who may be arbiter for his Grace And to doe evry other thing contained in our former Commission except what is heir dispensed with. And all and each of us doe heirby obleidge us our aires and successors to stand ratiefie and approve all that our said Trusties ffor themselves and us and the said Arbitratours or Arbiter shall act and doe in the premissis according to the power now given by us to them without any quarrell objection or contradiction whatsumever And wee obleidge us and our forsaid to bear a proportionall pairt off any soume that shall be ascertained and determined ffor the said personall attendance hosting hunting watching and warding aither by comuning with his Grace which our said Trusties are heirby impowered to doe Or by any consequent sentence And that conform to the valowed rent holden by us off the Duke off Atholl And wee doe heirby impower the said Trusties To proportion the same on themselves and us accordingly And wee the saids Trusties doe accept of the abovwrittin Commission and doe bind and obleidge us ffaithfully to perform the contents theroff Consenting thir presents be insert and registrat in the books off Counsell and Session or others competent therin to remaine for preservacione And if need beis to receave all executione necessar by horneing or other executorialls in form as effeirs and thereto constitute our procuratours etc. In witnes wheroff wee have subscribed thir presents written on stamped peaper by George Small notar in Dull Att Pitlochrie the nynt day off Majj One thousand seven hundred and seventein yeirs Signed at said Pitlochrie day and yeir forsaid By us Patrick Robertson off Blarphethe David Stewart of Shiraglas Alexander Stewart of Tullich John Stewart of Bonsked John Stewart of Urrart Alexander Stewart of Wichellbeg Alexander Robertson off Ken craige Donald Stewart off Duntauloch Kenneth M'Kenzie off Ronaveg Robert M'Kenzie off ffineaird Alexander Ratrey off Tullicurren Alexander M'Dougall of Borland William Small of Kendrogen Alexander Robertson of Balnacraig ffinlay fferquharson of Balledman Archibald Buter of Petlochrie John Stewart of Ballintume James Stewart of Middlehauch John M'Laren of Easter hauch George Ratrey of Dalrullian Alexander Menzies of Bofraks Gilbert Stewart of

flincastle James Menzies of Culdaris Mr James Stewart of Kilichassie Mr Hary Balneavis of Edradour James Stewart of Urrart Mr James Stewart off Cluny and Robert fleming of Moness Befor these witnessis Alexander ffraser servitor to the said James Menzies of Culdars and the said George Small witness lykwayes to the marginall not subscribed at our desyre by James Menzies of Culdaris and John Stewart of Bonskeid and by the other undersubscribeing Att

[The signatures of those named in the preceding clause are appended, with the additional witnesses, John Reid and John Forbes.]

With the
Editor.

LETTER from ALEXANDER STEWART, son of James Stewart of Clunie (Wester), minister of Moulin, to his brother, Mr. JAMES STEWART of Wester Clunie, minister of Kilbrandon, Lorn.

VIRGINIA, NORFOLK, 14th Sept. 1751.

DEAR BROTHER,—My worthy friend the governor Bachelor, is just set out for Carolina, so that I have time to answer your kind favour of 25th March, which did not come to hand till lately; take it, however, just as it rises to my pen. All your letters have been extremely agreeable to me, as well as this last, though I have in it a mortifying proof of the dulness of my invention and the pride of my heart that could not conjecture the cause of your silence, nor admit of any reason that would make me brook the thoughts of being forgot by the friend on earth I esteemed most; but your letter has made the cause obvious, and I now with great submission own *that* was an affair of the utmost importance which engrossed your attention; so with profound respect I salute the charming fair whose bright qualities induced you to vow her eternal tenderness. May all the joys of Hymen attend you and your lovely consort! I am glad you have given me an idea of her person by comparing her with my dear Jeanie; this will for ever prejudice me in her favour, and make me think I have still the amiable Jeanie at your house to correspond with.

Why are you so reserved as to her character? I wish I could see her. Why did you not introduce me to her acquaintance while I was with you? Had not I been separated from you by the great Atlantic, I fancy you would not have mentioned that delightful accomplishment in which she excels my favourite (yet tell me, does she surpass my sister?) for fear I had visited you for her sake; but you know too well you are not out of my reach, so you toy with my anxiety and make me eagerly wish (though, alas! in vain) to be a partner of your pleasures. To be even with you, however, I would set all my imagination, and have figured to myself all the joys you possess in their most lively characters, were I not afraid my evil genius would persuade me that Virginia could produce a Phoenix, and that I might follow your example; so should I (when too late) be woefully undeceived and forced to console myself with the wretched merit of entreating my countrymen to take warning by me! Rather than run this risk, of necessity I leave you in quiet of [illegible].

What gives me a great deal of pleasure is that spirit of industry that seems to reign in the northern shires; *very great* is the pleasure I enjoy when I think of the rising glory of my native land.

Yet that Rannoch, that notorious Asylum of Thieves, the metropolis of Pride and Poverty, should become the seat of laudable industry, is most surprising! I am not so well pleased with that passage of yours that informs me of the cowardly method the poor Baron is taking to put an end to that dozing dream, his life! Yet how many such suicides have we heard of! great men too. How unlike my loyal veteran Kilbride, near his (ninety-nine) grand climacteric, yet plentifully enjoying the inestimable blessings entailed on temperance, health of body, and ease of mind. Nothing will redound more to the honour of your charmer than living in strict amity with our mother

Oh, her disposition to strangers! How often has she bent her knee to bind up the sore of a miserable beggar without any other hope of reward than that of being upbraided for her unskilfulness, if their negligence had defeated the power of medicine! How often has her bounty relieved the distressed, and gladdened the heart of the

indigent! How strenuously has she pled the cause of virtue, how piously inculcated the principles of Christianity! How exemplary, how useful, how innocent her life! How calm must be her last, how revered will be her memory! I cannot think, think of her without such reflections, absence having endeared her and all of you to me. Yet however worthy of imitation her conduct may be, and however agreeable her temper, it will require a more than ordinary share of prudence in your wife to conform herself to the various humours of an old woman! How can you make her undergo the fiery trial! You know how uneasy a young woman is till she becomes mistress of her own house, till she can convince you how absolutely necessary she must be so in a clergyman's house, especially to keep her servants in due order. . . . [Here the manuscript is worn illegible.] Trade is extremely dull, in some measure owing to our crop having failed, but chiefly to the Treaty of Aix-la-Chapelle. Unseasonable treaty, how has it disconcerted us! What would we give if it were dissolved! Tell me, is there no hope of these princes going to loggerheads again—no bone of contention left worth disputing for? Yet is it not impious to pray for a war? What sayest thou, son of Levi? Is it a crime to wish well to oneself and one's neighbours? You won't say "it is," surely? Then if it is no crime to wish for a war, Norfolk won't flourish without it.

Soon after Mr. Todd's arrival from Carolina, I shall be determined when I am to leave this place. As yet I know not, nor what part of the continent I shall set down in. Perhaps it may be in North Carolina—the very likeness of Rannoch, as I hear. How unhappy must thy brother be if it is so! but I shall hope for better things, and I cannot be very unhappy while I have health, peace, and the continuance of yours and Peter's correspondence. I have suffered so much from this climate that I am really seven years older than when I left the pleasant island.

I have named Dr. Archibald Campbell of this place, and my partner, Mr. A. Ross, executors of my will, who I believe will do you and my family all manner of justice. There is one thing I cannot so distinctly and concisely mention in it, which relates to what I have bequeathed to you, as I could wish. I do not intend my bequest to increase the estate that you will leave to your heir-at-law. He will have enough. I will it to your second son, to be paid the day of his majority (without a rent); this is a whim of mine, yet indulge me in it. I have made a few donations to my godsons in Virginia, but it is more than probable these will return to yourself as the children are very young. Be how it will, I admit no excuse for your not writing after this reaches you, for by that time your catechizing bout will be over no doubt, to the great joy of the Leesing and Shunie wives, among whose poultry you make such depredations on these occasions. But I must leave this subject (for my pen seems to be growing impertinent) to tell you that I have not had one scrap from Peter since I have been here. I got a small box from him, and reckon his letter miscarried that should have accompanied it. I was writing to Jeanie, but I don't know whether her good stars have continued her in the family of Monzie, or if she has returned to Calypso's island to bemoan the loss of some beloved Ulysses.

Pray let me know how your lead mines, marble quarries (with a hundred things more that I know nothing of), go on, si notre frère Jean est un père, and whether the cod-fishing the governor and you proposed took place. I shall expect your answers to my letters regularly every six months from the date of mine; and you may look for my letters in that space (if they don't all miscarry), otherwise conclude me buried at the foot of some ancient oak in the deserts of Carolina—no matter where, so my closing scene is happy.

I believe you will now think it is time to conclude, but I must first desire you for once to stand my proxy, and in the most respectful and tender manner salute for me that lovely creature whom you have made my sister; I hope she will soon make me an uncle! I take great pleasure in hearing her character and person described by one that was her schoolfellow. Here we frequently drink all your healths. I desire to be remembered to my worthy Kilbride—the Baron comes to my mind of course—and tell

the governor he has my most hearty congratulations on . . . [defaced], and my most affectionate service also to Mrs. Campbell—won't she write? My kind love to Mr. John, I am very glad to hear of his welfare and prosperity. I have now only to send my last, my best blessing to my dear mother, to whose early care of my education, slender as it is, I am indebted for the foundation of all my enjoyments.

Adieu, my dear James, and believe me ever your most affectionate brother,

ALEXANDER STEWART.

With the
Editor.

LETTER from ALEXANDER STEWART, fifth son of James Stewart (Laird of Clunie and brother of Charles Stewart of Lisburne), to his brother, PETER STEWART.

NORTH CAROLINA, BATH, *December 1769.*

DEAR BROTHER,—A few weeks ago I was agreeably surprised with the sight of a letter from you dated 10th April last. The brotherly affection I naturally owe you, the intimate acquaintance I had of you more than of all my other brethren, the hopes of a renewal of the correspondence we held for several years after my arrival in Virginia, made the receipt of your letter, after so long an intermission as sixteen years, very acceptable to me.

The marks of friendship you have shown in endeavouring to discover my obscure retreat in the deserts of America are truly grateful to me, and the account you give me of what few of my living relations you have mentioned is very pleasing; but why did you forget to name my dear brother Charles and my almost unknown brother John? for I think I have not seen him since he was a child. I have had some letters from Charles since I came over sea, but never any from John; though I am indebted to his goodwill and my dear mother for some pieces of very fine damask table-linen of his manufacturing in North Lorn, which my wife to this day uses on particular occasions, and can boast of as her brother-in-law's gift and handiwork.

With the utmost respect for my eldest brother, Mr. James, I would be lovingly remembered to him and my two nieces, and desire the favour to hear from him. To Balmacraig and his children I offer my hearty service, and would be glad to know how many my sister left. To my brother Charles and John, if living, I give my most affectionate respects, and wish to be informed particularly concerning them. But to my dearest sister Jeanie what shall I bid you say? To my Jeanie I have no words to express the tender love I always did and still do bear her. May propitious Heaven shower its choicest blessings on her and her hopeful offspring! It would give me extreme pleasure to hear from her. Mr. Campbell, I doubt not, is happy in a virtuous consort, and I believe she will do him good and not evil all the days of her life. Balmakilly, you tell me, is well and has a fine family. I remember his marriage twenty odd years ago, and wish him much joy of them. My two respectable aunts Bonskeid and Tomnagrew, you say, are still alive. I expect they have been blessed with a sight of their children's children, and I have no doubt that while they live they will be a blessing to their families. I am sorry to hear that my aunt at Dundee is much decayed. I heartily wish her well, and with gratitude I acknowledge and thank her for all her favours to me. I shall at all times be glad to hear of all your welfares, and I would desire the favour of you in your next to be more particular in your accounts of my kindred. I have only one relation in this part of the country, that is our uncle's son in Ireland. He lives about twenty miles distant from me; we frequently see each other and are intimately acquainted. He is minister of St. Thomas', Bath, and was the parson who married me; a man well respected for his gentle behaviour and agreeable conversation. He has been often (I think five times) married, has three sons and one daughter alive, and has acquired considerable estate. You will now expect I should give you some account of myself, as you desire me to give a stated account of my transactions in the world.

But why, my dear Peter, would you enjoin me the ungrateful task? Why should you

recall to my remembrance the sad scenes of sorrow I have gone through, who for painful sustenance was doomed to roam far from my country, from my friends and home? Yet to gratify your friendly curiosity I purpose to comply with your requests in some measure. It would be tedious to relate the varieties of a sixteen years' toilsome travel in a land of exile, suffice it then only in this place to recite some of the most favourable occurrences.

After leaving Virginia I continued with various success to follow my business till the year 1756, when I married a virtuous young woman of unblemished character and respectable family. As love and goodwill were the sole motives on both sides the event answered our most sanguine expectations, for I may venture to affirm that few people who have matched from mercenary views—notwithstanding their circumstances may allow them to flourish in affluence and splendour, or even, we allow, in voluptuousness—have lived so happily as we have done and still do. I must acknowledge I had some difficulty to obtain my fair bride, she being the only daughter of a very respectable planter in easy circumstances who had an only son. Indeed it was quite against his inclinations as well as her mother's that we married; however, we soon got well reconciled, and ever since have lived in perfect peace and friendship.

It has pleased God to bless us with five children. Our eldest daughter, Anne, is about twelve years of age; our second, Elizabeth, died young; Dorothy, our third, is about eight years old; our son, William Speir (named after his grandfather), about six; our next, James (named after my dear father and brother), three; and our last, Alexander, an infant. These are the children wherewith I am blessed in the land wherein I am a stranger. The care of providing for them is a part of my daily employ, and as I have experienced the advantages of a virtuous education, you may believe I shall endeavour to give them all I can, which will be the best inheritance I shall be able to leave them; however, if they in a fruitful country, that abounds with the necessaries of life, and where they can with moderate labour get all the world can possibly afford to its most zealous votaries—that is, food and raiment—may they be therewith content!

About the year 1758 I had the good fortune to obtain a clerkship in one of our County Courts, and soon after some places of profit in the Land Offices, by which I made a comfortable subsistence for some time. Here let me stop and thank my parents and friends for their care of my education, by means of which I was qualified for these employments, but above all to bless that gracious God and Saviour that extended His favour and bounty towards me in the day of my distress, that has fed me and led me all my lifelong unto this day, and has never suffered me to want. May my soul be ever thankful for His mercies! Excuse this digression. I now proceed with my story. The Land Office before mentioned continued open but a few years, when the lord proprietor Granville died; of a consequence all our commissions expired, and nearly about the same time the county whereof I was clerk was [the words are defaced] That office I was likewise deprived of; however, with the assistance of my savings, I erected a saw-mill and grist-mill, having a good convenience for the purpose upon my plantation, and they have been, and I believe will be while they last, a benefit to me; that, however, will not be very long, for the timber that stood conveniently is mostly cut down, but I have no doubt of doing well, or of having whatever is convenient for me. I sometimes sell my deals and planks in the country, at other times ship to the West Indies, and by that means continue to carry on my business. Our trade labours under many difficulties, but I shall not enter upon that subject now, but go on and divert you circumstantially of my present situations and family connections. The site of my habitation is somewhat romantic, it stands on the very verge of a dreary forest on the one side, the dread haunt of wolves, bears, and other rapacious beasts. They sometimes pay us unwelcome visits. It is surrounded by lofty pines, oaks, a variety of other trees of spontaneous growth, and watered with a small navigable stream which affords me many conveniences. The banks have very fine springs, so that we have great plenty of good water. The adjacent lands are generally level and fruitful, yielding Indian corn, wheat,

rye, peas, and vegetables of many kinds; besides abundance of delicious fruits—apples, pears, peaches, grapes of various sorts, melons, and a multitude of others, all delectable in their season. Even fuel is plenty, so that this winter evening, while I am writing, my retreat may be called a rural, sheltered, solitary scene where ruddy fire and beaming taper join to cheer the gloom, and I may gratefully say—

“Blest be the hand Divine that gently laid my heart at rest
Beneath this humble shed.”

I will now give you a short account of my family I am connected with. My father-[in-law,] William Spiers, is an elderly county gentleman, has long been a member of General Assembly and colonel of our regiment of militia, a soldier well respected of his countrymen, of whose approbation he has received repeated testimonials. His wife, who died a few months ago, was a woman of benevolent heart, and deservedly respected and esteemed by all her neighbours, and of me in particular, for she was a kind, loving mother-in-law. My brother-in-law, John Spiers, is a man near thirty, has been married several years, and has three children; he is in good circumstances, is generally beloved, and has been frequently a member of our General Assembly. I shall say nothing about my wife but that she is the daughter of the one and the sister of the other, and in virtue inferior to neither. They are the descendants of a family of the name who came from Scotland to settle in Virginia many years ago. This branch, both male and female, are people of uncommon stature, remarkably tall and well formed. Was it not commendable in me, Peter, to marry into such a family? You remember my pigmy size, which is much the same as when I left you. My countenance and complexion is indeed greatly altered by sharp sickness and other casualties incident to strangers in this country, and partly from the ravages of time; for I have passed the years of my flowering spring, my summer's ardent strength, and am now come to my autumn, fading into age, and must look for the concluding winter to come at last and shut the scene.

May our last scene be happy, my dear Peter! the others are all but vanity. Was I writing to anybody else, it were time to attempt an apology for this long letter, but I shall offer none to you, my dear brother, well knowing that a familiar friendly confabulation is better adapted to your taste than any other mode of conversation. You will meet with several scraps of poetry interspersed in this epistle; some that occurred to my memory, and I thought applicable to my circumstances. If you wish to know the authors, Mr. James will tell you. I now hasten to a conclusion, and request you to favour me with a particular account of all my brethren and sisters, and as many of my kinsfolk as I had any knowledge of, not forgetting my old acquaintance Wm. Wilson, and others that I have not room to mention by name. It gives me the highest pleasure to hear that you are married and in a prosperous way. Pray, Peter, did I know my sister-in-law? I am doubtful I did not, for my roving brain was so fertile of golden schemes in America that I had but little acquaintance of the St. Johnston ladies, so that you must even take the trouble of describing her to me. With the most ardent affection I would salute her, you, and all my numerous kindred, were you within reach of my embrace, and I am sure from many of you it would meet a cordial return.—I am, your very affectionate brother,

ALEXANDER STEWART.

Note.—The Spiers lived at Yankee Hall, Pitt County, North Carolina, but both they and their Stewart connections appear to be extinct in the male line, and the annexed letters give the only information of a reliable nature respecting them and their descendants at present obtainable.

With the
Editor.

LETTER from CHARLES K. GALLAGHER to CHARLES POYNTZ STEWART, Esq.

WASHINGTON, BEAUFORT COUNTY, NORTH CAROLINA,
November 11, 1871.

CHARLES POYNTZ STEWART, Esq.

DEAR SIR,—Your letter written to Rev. Horace G. Hilton, rector of St. Thomas's Church, Bath, bearing date April 21st, 1871, and making inquiry after an outlying

branch of your family, etc., was handed by Mr. Hilton to my father, Frederick Gallagher, and referred by him to me for answer. The delay was principally caused by Mr. Hilton residing at Bath, distant about fifteen miles, and in being unable to find the other branch of the family that intermarried with the Spiers, who seem to have disappeared from this section without leaving any trace. Family records are not given the consideration they merit in this country. I should be much pleased to accept your kind offer, mentioned in above letter to Mr. Hilton, of being furnished with a copy of our family history, and supply you herewith such details as are contained in our Family Bible.

Alexander Stewart, first minister of St. Thomas's Church, Bath, North Carolina, came from England in the reign of Queen Anne. He was accompanied by his wife and two sons, Alexander and Charles. His wife and son Alexander died soon after their arrival. He then married successively a widow, Mrs. Porter, *née* Peyton (my great-great-grandmother); she died aged twenty-five. Miss Johnson, sister of Gov^r Johnson; Mrs. Kartarich; Miss Hobbs. He died aged forty-five. Rosa, only daughter of Alexander Stewart and Mrs. Porter his wife, married John Kewell of Sussex, England. They departed on their bridal tour for Brighton, England; the Revolutionary War came on and compelled them to remain in England until after the suspension of hostilities. During their stay abroad their children were born in the order named, Elizabeth, John, Charles, Anne, Catharine, Rosa, Mary, Frances, and one son who died, making three sons and six daughters. Anne married Captain John Gallagher, United States Revenue Service, native of Philadelphia. Their only surviving son, Frederick, married Anne C. O'Neill, native of Philadelphia (my father and mother). Two sons, Charles and James, and one daughter, Mary, are the only survivors of nine children. Charles (myself) married two years ago Olivia, daughter of Joshua Taylor (we have one child, a daughter). Mary married Dr. Charles W. Sheffrey of Connecticut, and has removed thither; no children living. James is not married. He has just attained his twenty-first year of age. There are none of the male members of the Stewart family surviving. Should you wish further search made for the other Alexander Stewart's descendants, instruct me, and I will give the matter my best attention.

Hoping to hear from you at no very distant day, believe me, sincerely,

CHARLES K. GALLAGHER.

Late { Captain C.E., 4th North Carolina State Troops—Infantry.
of the *so-called* { Jackson's Corps—Army Northern Virginia, Confederate States, America.

LETTER from CHARLES K. GALLAGHER to CHARLES POYNTZ STEWART, Esq.

With the
Editor.

WASHINGTON, BEAUFORT COUNTY, NORTH CAROLINA,
March 31, 1879.

DEAR SIR,—Your letter dated 10th January 1879 was received by me whilst suffering from an inflamed hand which prevented my using a pen for weeks, in the interim I made inquiries after the persons mentioned, and trusting the delay may not have caused serious inconvenience to you, I submit the result.

Inscriptions copied from tombstones in the old family burying-ground at Yankee Hall, Pitt County, North Carolina, viz.:—

"Col. Alex. Stewart. Born in Scotland, Dec. 9th, 1725. Died July 30th, 1772."

"John Spier, son of William Spier and Dorothy his wife. Born Feb. 14th, 1741. Died Feb. 23rd, 1770."

"William Spier, son of John Spier and Penelope his wife. Born 12th October 1766."

"Elizabeth Telfair, daughter of Alex. Telfair. Died Feb. 14th, 1816. Aged 34 years.

"Miss Almy Miles, daughter of Capt. John Miles and Mary, his wife. Died Oct. 25th, 1788. Aged 15 years."

"Elizabeth Spier, wife of John Spier. Born Dec. 7th, 1774. Died March 31st, 1799."

"Mrs. Caroline S. Ellison, wife of Henry A. Ellison, daughter of Dr. Thos. Telfair. Born July 18th, 1812. Died Oct. 28th, 1830."

I regret being unable to furnish other inscriptions, which could not be obtained without an expenditure of considerable labour, owing to the large extent of ground which is unapproachable in consequence of rank growth of grape vines, bamboo, briar, etc., forming an impenetrable matting of vegetation. In a former letter I wrote you that "John Spier died, leaving two daughters, Eliza and Julia. Eliza married Thomas Telfair. Julia married Hugh Telfair, brother of Thomas. James Stewart never married. After his death his property descended to his sister's child, Louisa Stewart Shepherd, who married Joel Dickinson. After his death she married Judge Childs of New York. Juliana Dickinson, her daughter by first marriage, inherited the property after Mrs. Louisa S. Childs' death, and was married to Mr. Louis Henop of New York. Her address at last advice was 45 West Twenty-Second Street, New York." The descendants of Thomas Telfair and Eliza Spier his wife are Octavins W., Thomas, David, John, Caroline, Mary, Julia (all dead except Octavius W. and Julia). Octavius W. Telfair married Pauline McNair, and has two sons living, William and Edward. His address is Washington, Beaufort County, North Carolina. Julia married a Mr. Stockton, and lives in Florida. Mary married a Mr. Baker, and after his death Mr. Horn. Caroline married H. A. Ellison. One son, Thomas H., was born of their union. He died a few years past and has no descendant living. (I should have stated he (Thomas H.) married Miss Martha Stevenson of North Carolina.) Hugh and wife are dead, and descendants removed—viz. Hugh Telfair and Julia Spier left one daughter (Margaret). She married Henry J. Toole, and they are dead, leaving no issue.

Since my last writing I also have had trouble and can sympathize with you. My mother died March 20th, 1875, aged sixty-nine years. The silver lining to this dark cloud of adversity is the addition to my family circle of a son (Rhodes Taylor, born August 28th, 1874) and a daughter, born June 5th, 1877.

Trusting that the information herein contained may interest you, and assuring you of further news should anything turn up, I am, sincerely yours,

CHARLES K. GALLAGHER.

With the
Editor.

LETTER from CAPTAIN CHARLES STEWART, 5th Dragoons, to the REVEREND JAMES STEWART, Minister of
Kilbrandon, Nether Lorn, Argyleshire.

DUNCANNON FORT, *February 10, 1758.*

MY DEAREST NEPHEW,—I had the pleasure of yours of the 18th January, which, I suppose, came to Belfast by Captain Donald McNeil, and the welcome news of your recovery gave me infinite joy. I heartily congratulate my cousin John and his young wife on their marriage, and I wish them all happiness and prosperity. My compliments to them and to your sister, Balnacraig, who we are all obliged to for her care of you in your illness. Though you make no mention of your own children, I hope they are all well. I am sorry I was not at home to have got acquainted with Captain McNeil. As I am obliged to be here with my company the most of my time, and leave of absence to go out of Ireland in time of war is hard to obtain, I fear it will not be in my power to visit the Land of Cakes and my friends in it the next spring or summer, which gives me real concern.

This is a fort near Waterford, which commands the entrance of the harbour, where three great rivers (on which are many trading) when united empty themselves into the Irish or St. George's Channel. At this place there is £14,000 sterling to be laid out on repairing it this summer; there will be about 60 pieces of cannon mounted on it, from 24 to 9 pounders. Here are at present 180 men, which I, as eldest Captain, have the honour to command; but the worst is that it is 160 miles from Lisburn. The unhappy King James VII. took shipping here for France the 3rd July 1691, after his defeat at the Boyne, and lay for a few hours in this room, the last he slept in in his dominions. I had a letter

from my Sandy from Bath in North Carolina dated in December last, who says that your brother Sandy was at that time very well, and happily married. I have not heard a great while of your brother Charles, I think last accounts I had that he commanded the ship that traded upon the coast of Africa. My Charles is at Gibraltar still; Jemmy at Halifax, in Nova Scotia; Poyntz in Dublin or Drogheda. My daughter Nanny is still unmarried, though eldest of them.

Charlotte was lately married to one Cornet Smythe at Ballintoy, by the worthy Dr. Stewart of that place. The Doctor's good lady was aunt to the Cornet. Rose, the youngest, was happily married to a pretty young man with a good estate. Mr. Rowan is an excellent husband, and has a son and two daughters living. My poor old wife is in a bad state of health and very lonesome at this time, as her family is reduced from twenty children to Nanny Stewart and little Charlie, my son Alexander's second son.¹ Once more my compliments and best wishes attend you and yours, with all inquiring friends.—I am, dearest nephew, your ever affectionate uncle,

CHARLES STEWART.

LETTER from CAPTAIN POYNTZ STEWART of Lisburn to CAPTAIN CHARLES ROSS STEWART.

With the
Editor.

LISBURN, *December 24, 1778.*

MY DEAR ROSS,—I had the pleasure of yours of 16th August last, and am happy to find that you, sister Stewart, and family are well, for from the amiable character I have had from the Miss Corneilles of her, be assured I wish for a much nearer acquaintance with her than I fear will be possible for some time; yet Hope, that greatest comforter, often tells me that we shall meet after so long a separation, and that you will not always be confined to that one spot.

I can with pleasure tell you that your mother and all friends here are as well as you could wish; for my own part, I am now resolved to settle from every kind of business. The employment I had taking me away above half the year, and the expense of living in Dublin, and keeping a separate house, and part of my family in the country, I found would not answer; I therefore have given it up for what I paid for it, as there was part of my principal sunk in it, and my boys are coming to that time of life that they will want all I can do for them.

I do not know if I told you in my last that your brother James had sold out of the service; he is now married to his old flame Henny Hodgkinson, and lives in Lisburn, where the old man lived; he looks very well and has shook off all his complaints. They are not likely to have any family. Rose lives here with one of her daughters. Charlotte has all her family here except the second daughter, who is married to Dick Stewart near Ballintoy. We have lost four very worthy men within this year, old acquaintances of yours—Doctor Jones, Mr. Piers, Mr. Edward Fletcher, and Mr. Burden—which is a great loss to our little community.

As to the blazoning of your arms, I have waited for some time for it, having given it to a man to draw off that I might enclose it, but I was afraid to wait longer for fear of the ship's sailing. I shall give it you in wax at the bottom, and on the outside. Had I an opportunity I would have sent the seal. As to my father's family, as I never was in Scotland, I can only tell you that your grandfather was Alexander Stewart of Cluny in Perthshire, that the estate by intermarriages is now in possession of Sir Robert Menzies, that you have numbers of relations in that part of the world, viz. John Stewart of Ballinakilly, near Dunkeld; Patrick Stewart of Cluny, near Dunkeld; Doctor Alexander Campbell, Pool, Dorsetshire;—all nephews of my father. Perhaps from this little information you may meet with some of your relations.

Our aunt who lived at Dundee [MS. here worn away] and the legacy left to us at her death is gone, as Lady Boniskead died before her. We have been a little alarmed here in

¹ *Vide* Captain Gallagher's letter of 11th November 1871.

respect of invasions, but they are all blown over. The different counties have raised for their own defence above twenty thousand men. I have a very fine company here. The Government disapproves of them, as it spoils recruiting.

All here join in love and compliments of the season to you and yours, with, dear Ross, yours, etc. etc.,

P. STEWART.

To CHARLES ROSS STEWART, Esq., St. Helena.
Per EARL TALBOT.

EXCERPTS from Inventory of Title-Deeds in possession of the DUKE OF RICHMOND AND GORDON, in Charter-Room at Gordon Castle, and examined by his Grace's permission.

1482. Charter by King James III., dated 16th December, in favour of Alexander Gordon, son and apparent heir of George Earl of Huntly and Joanna Stuart his spouse, daughter of the King's uncle, John Earl of Athole, Lord of Balveny, and longest liver of them two, of certain parts of the lands and lordship of Badenoch upon the resignation of the said George Earl of Huntly.
1501. Special service before Walter Ogilvie of Boyne, Sheriff of Inverness, in favour of Alexander Lord Gordon as heir to the deceased George Earl of Huntly, his father, in the lands and lordship of Badenoch and Castle of Ruthven, excepting £100 of said lordship which the said Alexander and Joanna his spouse were infeft in conjunct fee, and were retoured at the value of £350 and £300 in *tempore pacis*, dated 1st July 1501.
- N.—Earl George died about a month before.
1501. Sasine following on the King's precept upon the said service retoured to the Chancery in favour of the said Alexander, 25th July 1501.
1510. Charter of King James IV. to John Lord Gordon, son and heir apparent of Alexander Earl of Huntly and the King's daughter, Margaret Stuart, spouse to the said Lord John, and longest liver of them, in conjunct fee of all and hail the lands and lordship of Badenoch, with the house and Castle of Ruthven in Badenoch, and donation of the churches and chapels thereof, in the county of Inverness, and also all and hail the lands of Forthergill, with the pertinents and fortalice of Garth, lying in the shire of Perth, proceeding on the resignation of the said Earl Alexander. Given under the Great Seal 26th April 1510, and 22nd of his reign.
1547. Dispensation from the Pope's vicar *in spiritualibus*, signed by the Dean of Caithness, official of Murray, for John Stuart, Earl of Athole, to marry Elizabeth Gordon. Oliver Sutherland was official of Murray.
- Attested by Hugh Scrogie, N.P., dated 9th April 1547.
1543. Contract of marriage between John Earl of Athole and Elizabeth Gordon, eldest daughter of George Earl of Huntly, by way of indenture, dated at Edinburgh, 25th September 1543.
- Signed by Lady Dame Janet Campbell, Countess of Athole, for her son. Athole to infeft her in 300 merks' worth of land, and to get 3000 merks of tocher.



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